

Judicial Supervision over the Implementation of the Land Cadastre in Iran

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The Cadastre Law was passed in 2014 to defend public ownership, protect individual property rights, and combat land grabbing. Given the legislator's objectives for enacting this law, its precise implementation is of utmost importance to safeguard the people's right to ownership and prevent land grabbing. Therefore, the purpose of this article is to examine judicial supervision over the implementation of the land cadastre in Iran. This descriptive-analytical article employs a library-based research method to investigate the subject. The findings indicate that the legislative body and representatives of the people can serve as the central point in organizing the supervisory system, and they can limit the unchecked power of executive officials. Although it appears that such supervision, as described above, can only be conducted through the parliament, the judiciary also possesses supervisory authority through its appropriate mechanisms. In addition to these forms of supervision, public rights imply that the most significant oversight over the implementation of the land cadastre in Iran should be carried out by the judiciary. This is because, under Iran's current constitution, crime prevention is among the judiciary's responsibilities, and the judiciary possesses the most important supervisory mechanism, namely the Organization for Inspection, which is one of its affiliated bodies.

Keywords: Judicial supervision, Property Registration Organization, Cadastre, Land Mapping, Public Rights.

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1. Introduction

In light of numerous complaints received by the Committee of Article 90 regarding violations and crimes related to land and property issues, the volume of cases filed in the judicial system (such that at least fifty percent of legal cases in the country stem from regular transactions), and to expedite the resolution of prolonged legal proceedings, reduce case inflow, increase economic transparency, and combat land grabbing, the Committee of Article 90 set the cadastre issue on its agenda in 2007. After holding multiple

sessions with relevant authorities, research center experts, and other stakeholders, the Committee developed a draft of the Comprehensive Land Cadastre Law, which was ultimately passed by the Islamic Consultative Assembly in 2014. After the approval of the Comprehensive Cadastre Law, the next step is its implementation. The issue of judicial supervision over the execution of the cadastre in Iran is a critical topic that requires further discussion and analysis. The significance of this issue becomes even more apparent when considering that the lack of supervision over land allocation schemes, especially in the past decade, has led



to various abuses of allocated lands. Illegal and non-compliant use of allocated land, failure to utilize schemes, abandonment of lands, or transfer of ownership despite the non-implementation of plans are among the violations and abuses concerning allocated lands. On the other hand, respect for property rights further underscores the importance of supervision over the implementation of land cadastre. Respecting property rights refers to recognizing, validating, and adhering to the legal rights, privileges, and responsibilities associated with property ownership or land. This requires honoring the principles of private property rights and treating owners as legitimate holders of their real estate. Based on the above, the purpose of this article is to examine how and by which institutions judicial supervision over the implementation of land cadastre is carried out in Iran. To address this question, the article first reviews the functionality of land cadastre implementation in Iran and then discusses the supervision of its execution.

2. The Functionality of Land Cadastre Implementation in Iran

This section examines the functionality of land cadastre implementation in Iran. The key functions of land cadastre implementation in Iran are as follows:

2.1. *The Role of Cadastre in the Real Estate Economy*

The cadastre plays a significant role in the real estate economy and provides several important advantages. Here are some key points that highlight its importance: The primary functions of cadastre in the real estate economy include:

1. **Property Ownership and Transactions:** Cadastre serves as a reliable source of information regarding property ownership and boundaries. By ensuring that land rights are properly documented and protected, it provides legal certainty. This increases trust and confidence in real estate transactions and facilitates the buying, selling, renting, or mortgaging of properties.
2. **Market Transparency:** Accurate cadastre data contributes to market transparency by providing reliable information about property values, features, and locations. This enables

potential buyers or investors to make informed decisions based on standardized and accessible data.

3. **Attracting Investment:** A well-functioning cadastre system increases the appeal of the real estate sector for both domestic and foreign investments. Investors require reliable information regarding land ownership, restrictions (such as mortgages), zoning regulations, and development potential, all of which can be obtained from a comprehensive cadastre.
4. **Land Use Planning and Development:** Cadasters provide valuable spatial data that is used in urban planning activities, such as determining appropriate land uses, zoning regulations, density control, etc.
5. **Taxation and Revenue Generation:** Accurate property valuation through cadastre systems helps governments implement fair taxation policies. Since property tax is a significant source of public revenue, cadastre-based assessments ensure the equitable distribution of tax burdens across various properties.
6. **Evidence for Dispute Resolution:** Cadastre records serve as essential evidence during disputes over property boundaries, ownership conflicts, inheritance claims, etc. They assist courts or dispute resolution mechanisms in making fair decisions based on actual evidence, rather than relying on subjective testimony.
7. **Financial Security and Risk Management:** Cadastre records, by providing reliable collateral data, support financial institutions in their lending decisions. They reduce the risks associated with mortgage financing and protect financial transactions (Fakhri Hamdani, 2022). Overall, a well-established cadastre system plays a vital role in enhancing a transparent and efficient economy by ensuring clear property rights, facilitating market transactions, supporting land use planning, generating revenue, and minimizing risks.

2.2. *The Impact of Cadastre on Three Key Elements of Sovereignty (Population, Territory, and Power)*

Cadastre plays a fundamental role in the three factors of sovereignty: population, territory, and power. Here's how it contributes to each factor:

1. **Population:** Cadastre provides essential information about land ownership and property rights, directly linked to the well-being of individuals and communities. It helps create legal certainty regarding land ownership, facilitating secure and stable living conditions for the population. Accurate cadastre data also supports social welfare programs by enabling targeted interventions based on reliable demographic information derived from land records.
2. **Territory:** A comprehensive cadastre system helps define and delineate territorial boundaries within a country or region. It provides precise spatial data that assists authorities in establishing jurisdictional limits, managing natural resources effectively, planning infrastructure development projects (such as roads or utilities), and making informed decisions regarding land use policies.
3. **Power:** Cadastre plays a crucial role in exercising state authority over land-related matters. By maintaining up-to-date records of property ownership and transactions, it enables effective tax systems through appropriate property valuation for revenue generation purposes. This contributes to consolidating state power by ensuring proper resource allocation mechanisms. Additionally, an efficient cadastre system strengthens governance by increasing transparency and reducing the risks of corruption associated with illegal or informal land transactions, which could undermine state authority (Taj Abadi et al., 2014). In summary, the significance of cadastre in these three elements lies in its ability to provide accurate demographic information, delineate territorial boundaries for effective governance, and support the exercise of power through transparent management of land-related affairs.

2.3. *In Reducing Property Lawsuits*

Land and property cadastral systems can offer numerous benefits in terms of decriminalization and reducing property disputes within the judiciary. These systems provide reliable and up-to-date information about property ownership, boundaries, and associated rights. When property-related disputes arise, access to comprehensive cadastral data facilitates more efficient resolution (Hasanzadeh et al., 2023). By supporting evidence-based decision-making with accurate boundary information, judicial proceedings can be expedited, ultimately saving time for both courts and litigants. Simplifying dispute resolution through reliable cadastral data reduces reliance on costly court procedures. Documented assets with clear title details minimize the need for lengthy legal battles, thus reducing the financial burden on both parties involved (Qanbarpour, 2019). It is important to note that while cadastral systems can significantly contribute to decriminalization efforts by reducing property lawsuits, they are not a complete solution. Effective implementation requires collaboration among stakeholders, continuous maintenance of accurate records, and ongoing improvements in system accessibility and reliability.

3. **Impact of Upper-level Documents Regarding Cadastral Property Registration in Protecting Public Rights**

Evaluating the position of an organizational concept within an administrative system involves various factors such as effectiveness, efficiency, transparency, accountability, and adherence to legal frameworks. Therefore, it is essential to refer to certain legal provisions that can influence cadastral property registration in the protection of public rights.

3.1. *In the Constitution of the Islamic Republic of Iran*

The Constitution of the Islamic Republic of Iran (1979, with amendments in 1989) emphasizes the protection of public rights. According to Article 2, "The Islamic Republic is a system based on faith in... the dignity and high value of human beings and their freedom accompanied by responsibility before God..." Furthermore, based on Article 3, "The government of the Islamic Republic of Iran is obliged to utilize all its

resources to achieve the objectives set forth in Article 2, including: ...10- establishing a correct administrative system and eliminating unnecessary structures."

Additionally, Article 156 states: "The judiciary is an independent power that supports individual and social rights and is responsible for achieving justice and carrying out the following duties: 1- adjudicating and issuing judgments regarding complaints, violations, disputes, and resolving conflicts, and taking necessary actions in other matters as determined by law. 2- Restoring public rights and expanding justice and legitimate freedoms. 3- Supervising the proper implementation of laws. 4- Detecting crimes, prosecuting and punishing criminals, and enforcing Islamic penal codes. 5- Taking appropriate measures to prevent crime and reform criminals."

3.2. *In the General Policies of the Administrative System as Issued by the Supreme Leader*

a) General Judicial Policies (Five-Year Plan - 02/09/2009): 1- Improving the judicial and administrative structure. 2- Concentrating all matters with judicial nature in the judiciary. 6- Developing, completing, and updating the use of modern technologies, especially in information, communication, judicial processes, and registration services.

b) General Legislative Policies Issued on 06/07/2019 by the Supreme Leader in the Execution of Clause 1 of Article 110 of the Constitution: 8- Determining the duties of the government and parliament regarding the number of ministers, their duties, and authorities, the legal duties of the President under Articles 60 and 124 of the Constitution, and any merger, annexation, separation, or creation of administrative organizations through legislative approval. 15- Setting legislative priorities centered around resolving executive issues in the country, unimplemented constitutional principles, the vision document, general policies of the system, the five-year development plan, and leadership demands (Mousavi Zadeh, 2012; Mousavi Zadeh & Mahdavi Rad, 2014).

c) Judicial Transformation Document Issued in 2020 by the Head of the Judiciary: Mission 7: Protecting individuals' property rights (Sections 66 and 67 of the Sixth Development Plan Policies). Strategic solution: Increasing the issuance of cadastral documents by the Registration Organization of Deeds and Real Estate.

The Judicial Transformation Document of 2024 outlines five specific solutions to address the difficulties in the cadastral document issuance process, with responsibility for implementation assigned to the Registration Organization of Deeds and Real Estate and the Legal and Parliamentary Affairs Department.

Solution 1: Enabling the preparation of the division minutes and official partition deed prior to the issuance of the completion certificate for property owners whose completion certificates are contingent upon paying fines or debts to executive bodies and banks, and allowing the issuance of a partition certificate and official ownership deed for owners who have paid their respective shares of the fines or debts, with amendments to relevant laws and regulations. This solution must be implemented by the end of 2025.

Solution 2: Granting ownership deeds for all agricultural lands, regardless of size, provided the owner does not own adjacent agricultural lands, and preventing any division, partition, or separation of these lands according to the "Law to Prevent the Fragmentation of Agricultural Lands" and creating suitable technical and economic land parcels, conditioned on obtaining an online confirmation from the Ministry of Jihad Agriculture regarding the preservation of agricultural use, with amendments to relevant laws and regulations. This solution must be implemented by the end of 2025.

Solution 3: Offering all registration services remotely, including requests for the consolidation of cadastral units, apartment separation, division requests, issuance of certificates of no partition, electronic upload of area and building maps, certificate of finality of decisions from registration units, and allowing for the electronic verification of minutes related to the consolidation, division, and partition of properties within the integrated system of the Registration Organization of Deeds and Real Estate. This solution must be implemented by the end of 2025.

Solution 4: Facilitating the process of requesting partition, issuing certificates of no partition, and issuing orders for the sale of joint properties by enabling related requests to be made remotely through the system, and issuing certificates of no partition based on criteria issued by competent authorities, such as minimum area limits, without their consultation, with amendments to relevant laws and regulations. This solution must be implemented by the end of 2025.

Solution 5: Easing the process of preparing official deeds for the consolidation of adjacent properties by removing the requirement for the absence of physical obstacles, removing the requirement for similarity in terms of usage, and removing the need to match owners and their shares of the properties prior to consolidation, allowing for the determination and registration of each owner's share of the consolidated property through the registration of a consolidation deed in public notary offices (similar to a partition deed). Additionally, facilitating the consolidation of mortgaged properties with the consent of the mortgagee, with amendments to relevant laws and regulations. This solution must be implemented by the end of 2024.

d) Classification of Titles and Subjects of the General Policies Approved on 13/10/1997 by the Expediency Council: Third - Administrative Matters: 1- Administrative Structures and Reform of the Administrative System: Including administrative organizations and regulations, volume of agencies, securing livelihoods and future security, utilizing advanced technologies in the administrative system, and reducing direct interactions with administrative organizations ([Barzegar Khosravi & Bamati Toosi, 2023](#)).

e) Policies of the Second Five-Year Plan (Approved on 18/08/1993 by the Supreme Leader): Correcting and reforming the administrative and judicial system to reach a state that can properly implement the program towards its objectives, by reducing volume, increasing mobility and efficiency, employing competent, trustworthy, and committed managers, establishing necessary laws, creating a monitoring system, and eliminating moral flaws such as laziness, bribery, indifference in performing duties, and paperwork in any defective corner of the system.

f) General Policies of the Third Five-Year Plan (Approved on 01/03/1999 by the Supreme Leader): "Reforming the administrative system towards: increasing mobility and efficiency, improving public service delivery, ensuring dignity and livelihood of employees, employing competent and trustworthy managers, eliminating or merging parallel management structures, emphasizing decentralization in administrative and executive areas, preventing and combating administrative corruption, and establishing necessary laws."

g) General Judicial Policies or Policies of the System Regarding Judicial Security (Approved on 28/07/2002

by the Supreme Leader): "Centralizing all judicial administrative matters within the Judiciary by defining the judicial nature and reforming related laws and regulations based on it, and performing substantive judicial reviews on all grievances and complaints."

h) General Policies of the Fourth Development Plan of the Islamic Republic of Iran (Approved on 11/09/2004 by the Supreme Leader): "Creating a suitable legal, judicial, and administrative environment and structure for achieving the vision (the vision of the Islamic Republic of Iran for 1404 AH, approved on 13/08/2004 by the Supreme Leader) - Reforming the administrative and judicial system towards: increasing mobility and efficiency, improving public service delivery, ensuring dignity and livelihood of employees, employing competent and trustworthy managers and judges, eliminating or merging parallel management structures, emphasizing decentralization in administrative and executive areas, preventing and combating administrative corruption, and establishing necessary laws."

i) General Policies of the Fifth Economic, Social, and Cultural Development Plan of the Islamic Republic of Iran (Approved on 21/10/2008 by the Supreme Leader): "Reforming the administrative and judicial system towards: increasing mobility and efficiency, improving public service delivery, ensuring dignity and livelihood of employees, employing competent and trustworthy managers and judges, eliminating or merging parallel management structures, emphasizing decentralization in administrative and executive areas, preventing and combating administrative corruption, and establishing necessary laws."

General Judicial Policies for Five Years (Approved on 01/09/2009 by the Supreme Leader): Developing, completing, and updating the utilization of new technologies, especially in the areas of information, judicial processes, and registration services.

- General Administrative Policies (Approved on 14/01/2010 by the Supreme Leader)
- General Policies of the Sixth Development Plan (Approved on 19/04/2015 by the Supreme Leader) - Legal and Judicial Matters: 67 - Expanding the official registration of documents, property, intellectual property, and the official registration of government and public property rights over lands and properties

within the cadastre system and expanding advanced technologies in providing registration services.

- General Policies of the Seventh Development Plan (Approved on 20/06/2022 by the Supreme Leader) - Administrative, Legal, and Judicial: 26 - Updating the judicial transformation document and its implementation, emphasizing: 100% execution of the land registry (cadastre).

According to Article 114 of the Seventh Five-Year Development Plan Law (1403-1407), "In order to protect the rights of the people in executing registration and facilitating access to registration services, the Organization for Registration of Deeds and Properties is required to implement the following, in compliance with the National Data and Information Management Law: a) By the end of the first year of the plan, create an automated system for executing the provisions of enforceable official documents, which allows the submission of all required requests in the execution process non-in-person, without human intervention, retrieval of necessary information for issuing electronic writs from related sources, visibility of related case information for all parties, and real-time seizure and release of all properties with cadastre documents, with proper confidentiality for judicial authorities and registration offices, as well as other authorized legal entities."

Note - All executive agencies and entities with the necessary data for issuing electronic writs are required to provide the requested information online and in real-time after inquiry via the system outlined in this section.

j) The comprehensive property and document system must be amended to enable the registration of all property rights, including ownership of the physical asset, ownership of benefits, usufruct rights, easement rights, lien rights, goodwill rights, as well as the ability to register legal actions, events, final judgments, and judicial orders related to these properties, with the possibility of real-time responses to inquiries regarding the data contained in this system.

The judiciary is obliged to provide final judgments and orders for registration in the aforementioned system in real-time.

Note - After the first year of the plan, if the executive agencies involved in the Law on Facilitating the Registration of Official Documents (passed on

05/05/2003) are entitled to claim debts after an inquiry, they are obligated to immediately report the details online to the Registration Organization and the requesting notary office; otherwise, the notary must issue and register the document without receiving payment, and the Registration Organization, notary, and transferee will not bear responsibility for uncollected claims. This does not prevent claims against the transferor or debtor.

The organization must cooperate with relevant executive agencies to enable the payment of such claims via the electronic document registration system and at the notary office.

k) In order to facilitate the provision of registration services and accelerate the implementation of the Comprehensive Cadastre Law (passed on 12/02/2015), legal action should be taken to issue brokerage licenses for legal entities with the necessary qualifications for engineering, legal, and technical services.

t) In implementing the National Data and Information Management Law, and to prevent crimes and improve the health of transactions involving motor vehicles, the Ministry of Communications and Information Technology is required, in collaboration with entities possessing information related to motor vehicles, such as the Law Enforcement Command of the Islamic Republic of Iran, the Center for Statistics and Information Technology of the Judiciary, and the Organization for Registration of Deeds and Properties, to facilitate real-time inquiries of vehicle-related information and transaction records, as well as the eligibility and competence of transaction parties, contingent upon the consent of the parties and ensuring confidentiality and privacy preservation, for private sector platforms.

In this regard, the Law Enforcement Command of the Islamic Republic of Iran is required to enable the registration of motor vehicle transactions prior to license plate change via these platforms.

In analyzing the approach of the Seventh Development Plan, it can be stated that the Registration Organization faces challenges and a lack of resources in implementing the Cadastre Law, which has been addressed in the Seventh Development Bill at the suggestion of the Judiciary. It is anticipated that owners of apartment units who fulfill their obligations and debts will receive their completion certificates, and the Registration Organization will issue their cadastre documents. For

agricultural lands, the document will be issued jointly; however, under the Seventh Development Plan, it has been decided that after confirming legal possession, individual land titles for agricultural plots will be issued. It is also planned in the Seventh Plan for the Registration Organization to delegate engineering registration responsibilities to qualified legal entities to streamline cadastre procedures.

3.3. *Legislation Adopted by the Islamic Consultative Assembly Regarding Land Cadastre*

According to Article 59 of the Constitution of the Islamic Republic of Iran, "the direct exercise of legislative power is conducted through referendums and direct submission to the people's votes. However, as per the aforementioned article, a two-thirds majority of representatives must approve such referendums." "Given the above considerations, the legislative power in the political system of the Islamic Republic of Iran is only exercised indirectly, through the Islamic Consultative Assembly, which is composed of the representatives elected by the people, and its resolutions (after undergoing legal procedures) are communicated for execution to the executive and judicial branches" (Hashemi, 1996).

The Second Five-Year Economic, Social, and Cultural Development Plan of the Islamic Republic of Iran emphasizes the "reduction of the size of the public sector by eliminating certain organizational structures, merging ministries, institutions, and state-owned companies, and transferring some activities to the private and cooperative sectors through the enactment of necessary laws."

Similarly, the Fourth Economic, Social, and Cultural Development Plan of the Islamic Republic of Iran (2005-2009), approved on 11/06/2004, explicitly emphasizes: "H: Issuing ownership certificates for agricultural lands outside the legal boundaries of cities, towns, and villages in the names of their legal owners through the National Organization for Registration of Deeds and Real Estate until the end of the Fourth Plan." It also states that "the National Organization for Registration of Deeds and Real Estate is authorized to carry out actions and provide services in various sectors electronically. The principle of writing in the preparation of declarations, boundary demarcation reports, and the official land and deed registers must be adhered to."

According to Article 133 of the Fourth Development Plan, "In order to issue ownership certificates for properties located in residential areas of villages, the Ministry of Housing and Urban Development and the Foundation for the Self-Sufficiency of Rural Areas are tasked with preparing a detailed plan of existing village layouts on behalf of the villagers within the duration of the Fourth Economic, Social, and Cultural Development Plan and sending it to the registration offices. The prepared maps do not require confirmation from other government agencies, and the registration offices will take action based on them as follows: 1. If the boundaries have already been demarcated, after verifying the map and comparing it with the location, a boundary demarcation report detailing the limits of the parcels and the identity of the occupants will be prepared by the representative and surveyor of the registry, signed by the representative of the Foundation for the Self-Sufficiency of Rural Areas and the village's Islamic Council, for the issuance of ownership certificates in the name of those occupants who possess valid ownership documents. 2. If the occupant cannot provide proof of ownership, or if there is a dispute over ownership and possession, or if the area has not been demarcated, or the land belongs to the government, organizations, institutions, or public foundations, the case will be referred to a committee composed of the head of the local registry office, the head of the Foundation for the Self-Sufficiency of Rural Areas, and a judge appointed by the Chief Justice, who will issue a ruling. The committee may use the expertise of land registration specialists or rely on witness testimonies to issue its verdict. The ruling will be communicated to the parties involved, and if there are no objections within 20 days of the notification, the relevant registration offices and the Foundation for the Self-Sufficiency of Rural Areas will be obligated to implement it. If there is an objection, the appellant will be referred to the court, and the appeal will be prioritized. 3. Those subject to this law are exempt from all registration fees. Transfers after the issuance of the ownership certificate will not be exempt from fees. 4. The procedure for holding meetings, the powers of the committees, the selection of experts and land registration specialists, the preparation of the detailed plans, and the rates charged will be outlined in regulations to be drafted by the National Organization for Registration of Deeds and Real Estate and the Ministry of Housing and Urban Development

(Foundation for the Self-Sufficiency of Rural Areas) within two months and submitted for approval by the Cabinet. 5. Families under the coverage of the Imam Khomeini Relief Foundation and the Welfare Organization are exempt from paying taxes, fees, and other charges."

According to Article 135 of the Fourth Development Plan, the role and responsibilities of the government in the fields of "sovereign affairs," "social, cultural, and service responsibilities," "infrastructure affairs," and "economic responsibilities" are defined and organized as follows:

Sovereign Affairs: These are the government's actions that reinforce the country's sovereignty and benefit all social classes without limitation. These include:

1. Policy-making, planning, and oversight in economic, social, and cultural sectors.
2. Establishing justice and social security and redistributing income.
3. Creating a healthy environment for competition, preventing monopolies, and protecting citizens' rights.
4. Providing the necessary conditions and advantages for national growth and development and addressing poverty and unemployment.
5. Legislation, registration activities, ensuring order and security, and managing judicial affairs.
6. Safeguarding the territorial integrity of the country and preparing for national defense.
7. Preserving Iranian-Islamic identity.
8. Managing domestic affairs, public finances, labor relations, and foreign relations.
9. Protecting the environment, natural resources, and cultural heritage.
10. Basic sciences and research, national statistics, and information.
11. Preventing communicable diseases, mitigating the effects of natural disasters, and handling complex crises (Momen, 2023).

Additionally, the Fifth Development Plan of the Islamic Republic of Iran (2010-2014) stipulates that:

"The National Organization for Registration of Deeds and Real Estate is required to:

1. Collaborate with the National Cartographic Organization and other relevant agencies to create a legal information database for

properties and complete the cadastral project by the end of the plan.

2. In alignment with the development of an integrated system for the registration of official documents and real estate, the organization must electronicize all stages of property transfers, registration of official documents, and real estate by the end of the second year of the plan.
3. Complete the company and institution registration database according to the patterns and standards set by the deputy organization, which will include details of shareholders, board members, and their national ID numbers, along with a unique identifier and search capabilities, by the end of the first year.
4. The National Organization for Registration of Deeds and Real Estate, in cooperation with the Ministry of Commerce and the Tax Affairs Organization, must work together to develop a secure electronic transaction system for real estate across the country. All relevant executive bodies must cooperate to fully implement this system.
5. Issue ownership certificates for all agricultural lands through the National Organization for Registration of Deeds and Real Estate by the end of the plan."

Furthermore, according to Section "W" of Article 46 in the Fifth Development Plan:

"The National Organization for Registration of Deeds and Real Estate is required, in collaboration with the National Cartographic Organization and other relevant agencies, to create a legal information database for properties and complete the cadastral project by the end of the plan."

Additionally, according to Article 177 of the Fifth Development Plan, "To revitalize, develop, and optimize the use of endowments and foundations and prevent abuse of such properties, the following actions must be taken:

- a. The National Organization for Registration of Deeds and Real Estate, in collaboration with the Organization of Endowments and Charity Affairs, is required to register endowments that have been established but have not yet been registered, provided that the validity of the endowment is established.

b. To create a comprehensive endowment information database, all individuals and legal entities responsible for endowments must upload details of all endowments, donations, legacies, public non-possessive endowments, and endowed properties with a managing authority to a system that will be established by the Organization of Endowments and Charity Affairs by the end of the first year of the plan.

z. To facilitate case processing and improve the quality of case management, the Judiciary is required to take the following actions:

1. The National Organization for Registration of Deeds and Real Estate must enhance document security, reduce the number of property-related cases in the courts, and implement modern registration by utilizing information technology.
2. The National Organization for Registration of Deeds and Real Estate is required to electronicize all stages of transactions and create a national registry data center by the end of the second year of the plan, ensuring instant responses to inquiries and immediate, secure online transaction registration using electronic signatures" (Jazayeri et al., 2021).

Furthermore, according to Article 114 of the Sixth Five-Year Economic, Social, and Cultural Development Plan of the Islamic Republic of Iran (2016-2020):

"The National Organization for Registration of Deeds and Real Estate must establish and organize an electronic land registration office by the end of the second year of the plan, and ensure that all property transactions are registered instantaneously and electronically, such that transactions can be recorded in real-time, and responses to inquiries are provided immediately and online. Once completed, this new office will replace the current land registration office and hold the same legal status."

According to Article 117 of the mentioned plan, it is stated that: "In order to guarantee property rights, strengthen contracts, reduce litigation delays, and expedite the enforcement of court judgments and the provisions of enforceable official documents:

a. The Judiciary is required, by the end of the second year of the implementation of the law, to create an electronic system that enables immediate and online responses to inquiries made by competent judicial authorities regarding the property of convicted individuals. This system will be centrally managed by the Judiciary and

directly supervised by the Head of the Judiciary, allowing online access to all databases containing information about the properties of convicted natural and legal persons. This will facilitate the prompt and efficient seizure of the aforementioned properties. All relevant authorities that possess any information regarding the assets of individuals, such as the Organization for Registration of Deeds and Real Estate, municipalities, the Tax Affairs Organization, the Police Force, the Securities and Exchange Organization, the Central Bank, all banks, financial institutions, and the property tracking code system of the Real Estate Agents Union, must provide all their information regarding the properties of these individuals, including any changes or subsequent transfers, in a manner that allows the data to be immediately and online accessible through the aforementioned system to the Judiciary. The information accessible through this system will be classified as confidential and will only be made available to the authorized judicial authorities, or those enforcing court decisions or provisions of official documents, upon approval by judges appointed by the Head of the Judiciary. The execution of this provision will follow a regulation to be drafted within six months of the enactment of this law, by the Judiciary in collaboration with the Ministries of Justice, Communications and Information Technology, and Economic Affairs and Finance, and approved by the Cabinet."

b. The Organization for Registration of Deeds and Real Estate is required to take the necessary legal actions to electronically process the execution of official document provisions by the end of the first year of the law's implementation.

According to Article 11 of the Sixth Five-Year Development Plan: "Activities related to surveying, spatial information, aerial photography, producing coverage and urban maps at various scales, and supervising them in the non-military sector, are the responsibility of the National Cartographic Organization. The related standards and instructions will be prepared and issued by the National Budget and Planning Organization, in alignment with the country's policies, including land use planning."

Clause - The Ministry of Defense and Armed Forces Logistics, along with the National Budget and Planning Organization, is required to prepare and issue an executive instruction for applying defense and security

considerations in the production and publication of maps and spatial data. This provision is added as a new article after Article 10 of the National Cadastral Law (Cadastre), passed on 2/11/2014 (Mehrasa et al., 2021). Article 62: "All transactions regarding registered immovable property, such as sale, settlement, lease, mortgage, and any promise or commitment to carry out such transactions, must be officially recorded in public notary offices. Private documents related to immovable property transactions, unless recognized by a court as having religious validity, are not admissible against third parties and cannot contradict official documents."

Additionally, in accordance with the law on the obligation of registering immovable property transactions, which complements the National Cadastral Law (Cadastre) passed in 2014, any transfer of property must be carried out officially. Based on Article 10 of this law, the Registration Organization is required, within one year of the promulgation of this law, to establish a system called "Organizing Informal Documents" for registering claims related to ownership of the body, ownership of the benefits for more than two years, usufruct rights, and easement rights over immovable property, along with the relevant documentation that was created prior to the establishment of this system and lacks official documentation. In other words, this regulation contains two key components: one pertains to the timeline, which mandates that the system be launched by 3/13/2024, and the other pertains to its scope, which aims to organize informal documents. After the establishment of this system, registering all transactions that transfer ownership or any legal acts or exchanges that result in the transfer of the body, such as sale, donation, settlement, waivers, or transactions with a right of return as specified in Articles 33 and 34 of the Registration Law, will be mandatory for one year, even including promises to sell or contracts (Mehrasa et al., 2021).

4. Supervisory Authorities Protecting Public Rights in Cadastral Registration of Properties

Once the cadastral registration of properties is approved by the relevant legal authorities, the next step is to address the supervision of the implementation of the aforementioned laws to ensure they are enforced effectively and under comprehensive oversight.

4.1. *The Supreme Leader in the Constitution*

"Policy-making in governance refers to the determination, formulation, and presentation of standards and criteria through which the overall requirements of the state are applied, and the collective interests of the nation are secured. The main purpose of the state's general policy is primarily the consolidation of sovereignty, establishment of order, and preservation of the country's independence, while the collective interests of the nation aim at employing diverse social, economic, cultural, industrial, agricultural, health, and other policies to meet the demands of the people. Policy-making, which relies on important principles of planning, organization, supervision, and control, is considered a political management activity. In running the country, the political lines indicate the political system and are usually outlined in the laws" (Hashemi, 1996).

According to Clause (b) of Article 2 of the Law on the Formation of the Supreme Audit Court, one aspect of the Leader's supervisory authority relates to the legal powers of the Supreme Leader over the Supreme Audit Court. Therefore, the Leader has the authority to request "extraordinary inspections" by the Supreme Audit Court. The Office of Inspection and Supervision under the Leader can also supervise on a case-by-case basis, depending on requests and complaints. Inspections in this office are conducted based on referrals from the Leader (Rasekh, 2019).

4.2. *The Expediency Discernment Council of the System*

The Expediency Discernment Council can play a significant role in overseeing the implementation of cadastral property registration. This is because "the Expediency Discernment Council serves as the representative of the Leader and acts on his behalf. Therefore, in terms of political status, it holds a superior rank compared to other political institutions (other than the Leader's institution)" (Hashemi, 1996, Vol. 2, pp. 548-546). The Council may, through delegation or obligation, assume part of the supervisory powers of the Leader. To this end, according to Article 4 of the Regulations for Monitoring the Effective Implementation of the System's General Policies, a "Monitoring Commission" has been foreseen (Rasekh, 2019).

4.3. *The Constitutional Review Commission (Article 90 Commission)*

The mechanisms of this article are designed for public oversight by the people over various components of the political system governing the country. This supervisory body holds authority over the three branches of power. According to this article, "Anyone who has a complaint about the actions of the Parliament, the Executive, or the Judiciary can submit their complaint in writing to the Islamic Consultative Assembly. The Assembly is obligated to address these complaints and provide a satisfactory response, and where the complaint concerns the Executive or Judiciary, it must request sufficient responses from them and announce the outcome within a reasonable time. Matters of public interest should be made known to the general public" (Mousavi Zadeh, 2012).

"Nevertheless, the Article 90 Commission can correspond directly with the three branches, all ministries, departments, affiliated organizations, foundations, revolutionary institutions, and other entities related to these branches. The Commission can address unresolved complaints or those that have received unsatisfactory responses, request clarification, and the mentioned authorities are obliged to provide adequate answers promptly. (Single Article, Permission for Direct Correspondence and Investigation by the Article 90 Commission of the Constitution of the Islamic Republic of Iran). Officials in public agencies must respond to the Commission in writing within one month at most. Failure to comply is a criminal offense, and the offender will be punished with imprisonment from three months to one year and removal from public service for six months to one year. The Commission may order the Supreme Audit Court to conduct "extraordinary inspections" (Law on the Formation of the Supreme Audit Court, Clause b, Article 2) and utilize the services of this body in its supervision" (Rasekh, 2019).

4.4. *Supervision by the Supreme Audit Court*

According to Article 2 of the Law on the Formation of the Supreme Audit Court, the duties and powers of the Court are as follows: "First, continuous inspection and supervision of all ministries, administrative and financial affairs of the judiciary, organizations and bodies under the judiciary, military and law enforcement forces, public

institutions and companies, municipalities, and affiliated bodies, not-for-profit organizations, revolutionary institutions, and organizations partially or fully funded by the government or under its supervision or support, as well as all organizations to which this law applies, based on a systematic plan. Second, conducting extraordinary inspections as ordered by the Leader, the Head of the Judiciary, the President, the Article 90 Commission of the Islamic Consultative Assembly, relevant ministers or officials of executive agencies, or any case deemed necessary by the Head of the Supreme Audit Court" (Fallahzadeh & Zarei, 2013).

Third, reporting violations, deficiencies, and financial and administrative misconduct concerning ministries, revolutionary institutions, foundations to the President, concerning public institutions and government companies to the relevant minister, and regarding municipalities and their affiliated institutions to the Minister of the Interior, as well as regarding non-governmental institutions receiving government assistance to the relevant minister about misconduct. In the case of judiciary-related issues, such reports are directed to the Head of the Judiciary, and in cases referred by the Article 90 Commission, to the Commission itself.

Fourth, sending a copy of the inspection report that reveals a public crime to the relevant judicial authority for prosecution and punishment, and for administrative, disciplinary, and procedural violations, to the respective administrative and disciplinary bodies for follow-up until the issue is resolved" (Rasekh, 2019).

4.5. *Supervision by the Real Estate Registration Organization and the Mapping Organization*

According to Article 2 of the Comprehensive Cadastre Law (Kadastr) of 2013: "The organization (Real Estate Registration Organization) is responsible for implementing the cadastre, issuing cadastral ownership documents, creating and operating the comprehensive system, and other duties stipulated in this law." According to Article 3 of the mentioned law: "The organization is obliged to complete the cadastre within five years from the enforcement date of this law, ensuring the determination of the location and boundaries of all properties and lands within the geographic borders of the country, both governmental and non-governmental. This also includes determining

the location and boundaries of mountains, pastures, forests, seas, lakes, wetlands, newly developed coastal areas, active and abandoned waterways, and islands of the country. It should ensure that maps and other descriptive and registration information about all properties and lands of the country are accessible in the form of cadastral maps and ownership documents within the comprehensive system, so that no point in the country is without a map or cadastral ownership document."

Furthermore, according to Article 4 of the same law: "The organization is required to establish and operate the comprehensive system, not only including cadastral maps and ownership documents but also covering information related to the cadastral number and registration section of the property, its exact postal address, the unique identifier (code) of the property, full details of the owner(s), their national ID or unique identifier, their exact postal address, and the personal details of the transferor and transferee of the property, along with any restrictions or prohibitions." Additionally, according to the 2015 supplementary article: "Activities related to surveying, spatial information, aerial photography, and the production of various scale maps and supervision over these activities in the civilian sector are the responsibility of the National Mapping Organization. Relevant standards and guidelines are prepared and issued by the Planning and Budget Organization of the country, taking into account national priorities, including land use planning."

5. Conclusion

The results of monitoring the implementation of the cadastre in Iran indicate that the execution of cadastre, which is of strategic priority, is not adequately evaluated by the responsible authorities. While securing financial resources for implementation is important, the primary issue in cadastre implementation is the lack of coordination and integration, ineffective actions by executive authorities and governors, despite the significance of the issue. There is also a lack of special attention to standardization in information sharing, policymaking, cultural promotion, and the use of executive and legal capacities through the involvement of the private sector, universities, and reputable scientific centers. Furthermore, the progress and implementation of cadastre, as shown by the available

statistics, indicate that it has advanced more in areas related to natural resources and lands where cadastre implementation is simpler, whereas other important and sensitive lands require greater attention and urgency. The imbalanced implementation of cadastre will lead to problems and potential abuses.

The following solutions are proposed:

1. Establish or designate a supervising entity, separate from the executing organization (Real Estate Registration), to coordinate and set policies for the implementation of the cadastre across all relevant organizations and authorities.
2. Require the Real Estate Registration Organization to engage more with the private sector and involve universities, research centers, and NGOs throughout the law's implementation.
3. Address issues and expedite the approval of the "Enhancement of Official Document Legitimacy" plan in the Legal and Judicial Commission and convert it into law.
4. Create mechanisms for coordination and interaction among the relevant entities in cadastre, including the legislative and judicial branches, especially regarding disputes between government entities, the Forests, Range and Watershed Management Organization, the Ministry of Agricultural Jihad, and religious foundations concerning property ownership.
5. Establish incentives and economic benefits for owners of agricultural and rural lands to submit land details and related documents to the Real Estate Registration Organization or the Land Dispute Resolution Commission for issuing single-page ownership documents.
6. Update and revise laws, regulations, and guidelines related to cadastre, prevent regulatory fragmentation, ensure alignment with the country's needs and progress, provide funding, and outsource to the private sector (which is more manageable and accountable). Additionally, strengthen enforcement mechanisms and set deadlines in Article 11 of the Permanent Development Law for the National Mapping Organization.

7. Define the role of cadastre as a foundational and sustainable development tool in higher-level documents such as the Vision Document, Seventh Development Plan, the Law for Removing Barriers to Production, Electronic Government Law, National Tax System Law, Environmental Protection Law, and the Protection of Public Assets Law, among others.
8. Ensure thorough monitoring of the performance of organizations under Article 9 of the Comprehensive Cadastre Law, and ensure the fulfillment of duties outlined in paragraph "d" of Article 38 of the Sixth Development Plan, and the Comprehensive Land System by the Ministry of Agricultural Jihad.
9. Urgently present a bill from the executive branch regarding spatial data systems.
10. Allocate 100% of cadastre-related revenues to the Planning and Budget Organization.
11. Upgrade the cadastre system to a comprehensive cadastre (legal, financial, and environmental) to prevent speculation and the exploitation of land and housing markets.
12. Create synergy and optimally utilize the capacities of the country's Supreme Councils, including the Supreme Mapping Council, Supreme Land Use Planning Council, Supreme Environmental Council, and Supreme Housing and Urban Development Council for the implementation of the Comprehensive Cadastre Law.

It is necessary to monitor the duties of the National Mapping Organization regarding the implementation of the cadastre. Failure to do so may lead to the following issues:

1. Lack of proper field supervision and non-standard certifications issued for executing companies.
2. Failure to optimally utilize surveying capabilities in the civilian sector.
3. Unreasonable delays in the supervision process for agricultural land cadastre projects.
4. Failure to convert information reserves and maps into digital formats and making them accessible to other users, as per the provisions of Article 40 of the Technical and Executive

Guidelines for the Development of Electronic Government.

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.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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