

# The Evolution of Document Forgery in Iran and Its Impact on the Validity of Transactions in Light of the Link Between Private and Criminal Law

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Document forgery is among the crimes situated at the intersection of criminal law and private law, as it simultaneously undermines public trust in documentary and transactional systems and destabilizes the legal validity of contracts and transactions. This study, adopting an analytical-comparative approach, examines the evolution of the crime of forgery in the Iranian legal system and explicates its effects on the validity and enforceability of civil transactions in light of the interconnection between the domains of private and criminal law. First, the concept of forgery and its distinction from similar offenses in Islamic jurisprudence (Imamiyyah school) and Iranian legislation are discussed. Subsequently, the historical developments are analyzed from the era of the 1925 Penal Code to the 2013 Islamic Penal Code. The study then explores the material and moral elements of forgery and its implications for the principles of validity and binding force of contracts from the perspective of civil law. The findings reveal that the lack of coordination between criminal and civil procedures in addressing forged documents constitutes one of the fundamental challenges of Iran's legal system. Finally, the research emphasizes the necessity of enacting a comprehensive law concerning forgery and electronic documents and establishing unified judicial practice to ensure legal security and public trust. The research method is descriptive-analytical and based on library studies.

**Keywords:** document forgery, validity of transactions, criminal law, private law, legal interconnection.

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## 1. Introduction

Forgery of documents, as one of the complex and multidimensional crimes in the Iranian legal system, occupies a distinctive position between the domains of criminal law and private law (Ardabili, 2009; Mosalati, 2013). At its core, the element of deceit and fraud inherent in this crime not only undermines public order and social trust but also directly affects the security and validity of transactional relations among individuals (Goldouzian, 2004; Sareikhani, 2015). In the

Iranian legal framework, a document is not merely an evidentiary tool but rather a manifestation of mutual confidence and assurance in legal relations (Abazari Foomeshi, 2008; Salari, 2007). Therefore, any instability in the authenticity or validity of a document—particularly through forgery—can disrupt the very foundation of trust in civil relations and lead to instability within the sphere of private law (Peymani, 2012; Zeraat, 2007).



The central issue in this research concerns how the evolution of the concept and scope of document forgery within Iran's legal system has influenced the validity of transactions, the principle of correctness and necessity of contracts, and the order of private law (Aghaeinia, 2014; Rajabi Pour, 2013). In other words, the study seeks to determine whether changes in legislative and judicial criminal policy concerning forgery have resulted in transformations in the legal security of transactions and private relations (Nouri, 2022; Rafiee Zadeh, 2013).

The significance of this topic lies in the intrinsic link between two foundational branches of law—criminal law and private law (Clarkson, 2011; Tavakkoli, 2011). On one hand, forgery of documents constitutes an offense against public trust, thereby invoking state intervention and criminal punishment; on the other hand, it exerts direct influence on the validity, enforceability, and effects of contracts within the private domain (Moein Azghadi, 2002; Sakini, 2010). From this standpoint, document forgery represents the intersection of two normative systems: the criminal system, which seeks to ensure public order and justice, and the private system, which aims to preserve the will and consent of the parties and to establish stability in transactional relations (Ardabili, 2009; Zarei, 2008). Lack of coordination or the presence of gaps between these two domains can lead to contradictions in judicial rulings, a decline in public trust in exchanges, and ultimately disruption in the legal order (Shambayati, 2009; Soleimanpour, 1982).

Accordingly, an examination of the historical trajectory and conceptual evolution of forgery in Iran acquires special importance, as it reveals how legislative interpretations and reforms in this field have directly affected public confidence in documents and transactions (Rajabi Pour, 2013; Salari, 2007).

The objectives of this study are summarized in three main axes: first, to analyze the historical evolution of the crime of forgery from the perspective of Imamiyyah jurisprudence and Iranian law from the 1925 Penal Code to the 2013 Islamic Penal Code (Seyqal Nouri, 1999; Shamlou Ahmadi, 2001); second, to explain the legal effects of forgery on the validity of transactions and the principle of contract correctness in civil law (Hosseinijad, 2011; Shahriari, 2000); and third, to examine the interaction and connection between criminal sanctions for forgery and its civil consequences,

aiming to achieve harmony between criminal and private law (Abdollahi, 2010; Mosalati, 2013). This research is based on the assumption that the gradual transformation in the concept of forgery and its legislative criminalization in Iranian law has directly influenced the order of transactions and the legal trust in private relations (Nouri, 2022; Peymani, 2012). Another assumption is that within the Iranian legal system, there remains insufficient coordination between criminal courts and civil tribunals regarding the interpretation and enforcement of the consequences of forgery, resulting in inconsistencies in judicial decisions and reduced effectiveness of legal sanctions (Clarkson, 2011; Zeraat, 2007).

The research method is based on comparative and historical analysis; that is, the legal and jurisprudential developments across different periods are compared and analyzed to elucidate the evolution of the concept of forgery and its effect on the validity of transactions (Ardabili, 2009; Mosalati, 2013). On the jurisprudential side, the study draws upon Imamiyyah sources such as the works of Sheikh Ansari, Muhaqqiq al-Hilli, and Allamah al-Hilli to examine the notions of forgery, falsification, and deceit in evidence and transactions, thereby revealing the deep-rooted connections between jurisprudential foundations and current regulations (Peymani, 2012; Tavakkoli, 2011). On the legislative side, the study conducts a comparative analysis of Iranian statutory laws, including the 1925 General Penal Code, the 1996 Ta'zirat Law, and the 2013 Islamic Penal Code, to identify changes in the legislator's approach toward forgery and its civil implications (Nouri, 2022; Salari, 2007). Furthermore, certain sections of the research evaluate judicial precedents and advisory opinions issued by the Judiciary to assess the practical and applied dimensions of the issue (Hosseinijad, 2011; Rajabi Pour, 2013).

Accordingly, this study seeks to provide a coherent picture of the evolution of document forgery in Iran, offering a framework for a deeper understanding of the interaction between criminal and private law (Aghaeinia, 2014; Rafiee Zadeh, 2013). The overall conclusion is that document forgery is not merely a crime against public trust but a multifaceted phenomenon that influences the foundations of legal relations in both public and private domains (Ardabili, 2009; Sareikhani, 2015).

## 2. Theoretical Foundations

This section elaborates on the theoretical underpinnings of the discussion (Abazari Foomeshi, 2008; Tavakkoli, 2011).

### 2.1. Concept of Forgery

The concept of forgery in Iranian criminal law literature is multifaceted and, in essence, refers to the creation of a false matter under the guise of truth (Abazari Foomeshi, 2008; Aghaeinia, 2014). More precisely, forgery is defined as “*the alteration of truth in a writing, document, or object in such a manner that it is capable of deceiving others*” (Aghaeinia, 2014). The central element in this definition is the *distortion of truth*, which may occur either through the fabrication of a false document or alteration of a genuine one (Mosalati, 2013). Hence, a mere physical act without the potential to deceive or without fraudulent intent does not constitute forgery (Abazari Foomeshi, 2008). Forgery, therefore, cannot be regarded solely as a material act but as an intentional and deceptive phenomenon aimed at creating false confidence in the recipient (Nouri, 2022; Sareikhani, 2015).

In Iranian criminal law, forgery is generally classified into two categories: *material forgery* and *ideational (or moral) forgery* (Ardabili, 2009; Goldouzian, 2004). Material forgery involves physical alteration of the document, such as the addition or deletion of words, signatures, or seals (Peymani, 2012). Ideational forgery, by contrast, refers to the distortion of truth in the content of a document without any physical alteration (Clarkson, 2011; Tavakkoli, 2011). The crime of forgery thus comprises three essential elements: a physical act, fraudulent intent, and potential harm to another (Salari, 2007). In Imamiyyah jurisprudence, forgery is considered a form of *deceit and falsification* (*ghishsh* and *tadlis*) in evidence and transactions that leads to the erosion of justice and trust in social relations (Abazari Foomeshi, 2008; Ardabili, 2009).

### 2.2. Types of Forgery

From the standpoint of Iranian criminal law, forgery is divided into two principal categories: *material forgery* and *content-based (or ideational) forgery* (Ardabili, 2009; Peymani, 2012). Material forgery refers to external or

physical alteration of a document, wherein the offender manipulates its appearance by adding, removing, or modifying elements—or by fabricating an entirely new document (Ardabili, 2009). For such forgery to be legally recognized, the alteration must be capable of inducing deception or creating false trust (Salari, 2007). Hence, any physical manipulation that distorts the outward reality of a document qualifies as material forgery (Sareikhani, 2015). This form of forgery possesses an objective nature, discernible through direct observation of alterations (Goldouzian, 2004).

Conversely, *content-based forgery* refers to alteration in the substantive meaning or content of a document without changing its outward form (Peymani, 2012; Tavakkoli, 2011). In such cases, an official or legally authorized person records false information in a genuine document, thereby producing a valid-looking instrument containing untrue statements (Ardabili, 2009; Sakini, 2010). This type of forgery usually occurs in official documents prepared by public officers, and its moral element lies in the intent to deceive by misrepresenting reality (Rajabi Pour, 2013). The fundamental distinction between these two types is that material forgery falsifies the *appearance* of truth, while content-based forgery distorts the *essence* of truth. Both, however, ultimately destabilize public trust in documentation and weaken the legal security of transactions (Mosalati, 2013; Sareikhani, 2015).

### 2.3. The Position of Forgery in Imamiyyah Jurisprudence

In Imamiyyah jurisprudence, forgery is classified among acts that disrupt the structure of social trust and justice; hence, it is deemed not only a sinful act but also one whose criminalization under Islamic law is necessary (Ardabili, 2009; Tavakkoli, 2011). Jurists of the Imamiyyah school regard forgery as a manifestation of *deceit* (*tadlis*), *fraud* (*ghishsh*), and *falsification* (*tazwir*)—all of which involve the distortion of truth or the attribution of falsehood to others (Peymani, 2012). In classical jurisprudential sources, forgery appears both in the domain of transactions and in that of testimonies and documentation, where any falsification of writings, signatures, or attestations constitutes corruption of the evidentiary system (Abazari Foomeshi, 2008; Nouri, 2022).

From the perspective of Imamiyyah jurisprudence, any deliberate creation of a false document—whether for

personal benefit or to the detriment of others—constitutes *unlawful appropriation* (*akl al-mal bil-batil*) and falls under the principle of *no harm and no harassment* (*la darar wa la dirar*) because it inflicts injury and erodes public trust (Ardabili, 2009; Tavakkoli, 2011). Forgery in jurisprudence, therefore, extends beyond textual alteration to encompass any fraudulent behavior intended to establish falsehood or deny truth (Peymani, 2012). Jurists classify forgery alongside false testimony (*shahadat al-zur*) and lying, deeming it inherently prohibited and contingent upon fraudulent intent and illicit gain (Abdollahi, 2010; Sareikhani, 2015). Hence, Imamiyyah jurisprudence provides a strong theoretical foundation for the criminalization of forgery in Iranian statutory law and grounds its penal philosophy in the preservation of justice, trust, and security in social and transactional relations (Clarkson, 2011; Mosalati, 2013).

#### 2.4. The Evolution of the Concept of Forgery in Iranian Law Before and After the Constitutional Revolution

The concept of *forgery* in Iranian criminal law prior to the Constitutional Revolution was rooted in Imamiyyah criminal jurisprudence and was largely analyzed on the basis of the prohibition of falsehood and falsification in religious instruments. In that period, forgery was not recognized as an independent criminal offense; rather, it was discussed under headings such as “false testimony” or “invalid writing,” whose primary aim was the preservation of social order and public trust in transactions (Ardabili, 2009). With the enactment of criminal statutes following the Constitutional Revolution and the advent of the principles of legality, the notion of forgery moved away from purely ethical and jurisprudential foundations and was situated as an offense against public security and tranquility (Peymani, 2012).

The 1925 Penal Code marked the first step toward codifying the structured offense of forgery, and—under the influence of French law—identified the material and mental elements of the offense. Under this Code, forgery was criminalized not only with respect to official documents but also with respect to private writings and documents (Aghaeinia, 2014). After the 1979 Islamic Revolution, the return to jurisprudential foundations and the primacy of Shari'a in Iranian criminal policy once again led to interpretation of forgery in connection with

ethical foundations such as the prohibition of *tadlis* (deceit) and *ghishsh* (fraud), although its legal framework remained grounded in enacted legislation (Tavakkoli, 2011). Overall, the evolution of the concept of forgery in Iranian law—from a jurisprudential–ethical understanding to a statutory–systematic conception—reflects the historical development of the national criminal justice system toward legislative rationality and judicial systematization (Salari, 2007).

#### 2.5. The Relationship Between Forgery and the Principle of the Validity of Transactions in Civil Law

The relationship between *forgery* in criminal law and the *principle of validity of transactions* in civil law is fundamentally significant in terms of its impact on the credibility of documents and the parties' consent. As a jurisprudential and civil-law maxim, the principle of validity presumes the lawfulness and legitimacy of legal acts; that is, in cases of doubt regarding the validity of a contract or document, validity is presumed unless the contrary is proven (Aghaeinia, 2014). By contrast, forgery is predicated upon an intent to deceive and the distortion of truth, and by its nature violates public trust in the authenticity and integrity of documents (Ardabili, 2009).

Accordingly, the occurrence of forgery collapses the presumption underlying the principle of validity, because that presumption rests on customary trust in the genuineness of will and the outward form of the instrument, whereas forgery eradicates that foundation and fabricates a false appearance of reality (Peymani, 2012). Under Iranian law, pursuant to jurisprudential rules such as *asalat al-sihhah* (presumption of validity) and the *hand* (possession) presumption, the validity of transactions is accepted based on outward form and indicia; however, upon proof of forgery, such indicia fall away and the instrument is rendered devoid of probative force (Tavakkoli, 2011).

From the criminal perspective, committing forgery in documents relating to transactions—beyond the civil invalidity of the instrument—constitutes a criminal offense because it harms public trust and legal security. Thus, forgery, as an exception to the principle of validity, forms the intersection between the criminal and civil systems, necessitating a balance between protecting public trust and safeguarding transactional stability (Sareikhani, 2015).

### 3. Historical Trajectory and Legislative Developments

This section elucidates the course of legislation concerning the offense of forgery (Salari, 2007).

#### 3.1. The Offense of Forgery Before the 1979 Islamic Revolution

Before the 1979 Islamic Revolution, the offense of forgery—within a legal system influenced by French law and the principles of classical criminal law—was primarily defined and regulated under the 1925 Penal Code and its subsequent amendments. During this period, drawing on the French Penal Code, the Iranian legislature regarded forgery as a material act aimed at deception and at undermining public confidence in the authenticity of documents (Salari, 2007). The offense was examined in the portion of the Code dealing with “offenses and crimes against public tranquility,” which itself indicates that forgery was conceived as a threat to social order rather than merely an infringement of private rights (Sareikhani, 2015).

Under the 1925 Penal Code, both material and ideational (moral) forgery were recognized, with distinct penalties prescribed for each. For example, forgery involving official documents, government papers, and banknotes carried a felony character and harsher punishment, whereas forgery involving private documents was generally treated as a misdemeanor (Zeraat, 2007). This differentiation reflected the importance of maintaining public trust in official documentation within the administrative and economic system of the time.

Theoretically, pre-Revolution criminal law—shaped by the classical school of punishment—emphasized the role of will and criminal intent; thus, the commission of forgery required an intent to deceive and to cause harm to another (Shambayati, 2009). This approach is evident in the legal definitions of that era, where forgery was defined as the “intentional falsification of truth in a writing or document in such a way as to cause damage” (Shamlou Ahmadi, 2001).

At the enforcement level, Iranian judicial practice before the Revolution largely examined forgery in connection with economic crimes, such as falsification of banking and financial documents. Although, in practice, the response to forgery mainly aligned with preserving administrative order and public trust in the state, the period still lacked a clear linkage between forgery and

jurisprudential principles or Islamic foundations (Soleimanpour, 1982). In other words, prior to the Revolution, forgery occupied a secular, statutory position, and the criminal justice system analyzed it within the framework of public order and social trust rather than through jurisprudential notions such as *tadlis* (deceit) or *gharar* (excessive uncertainty) (Goldouzian, 2004).

#### 3.2. The Offense of Forgery After the 1979 Islamic Revolution

Following the victory of the 1979 Islamic Revolution, Iran's criminal justice system underwent a fundamental transformation, with the concepts and rulings of Imamiyyah jurisprudence becoming the principal foundation for criminalization and national criminal policy. Forgery was no exception: with the enactment of the Ta'zirat Law in 1983 and its revision in 1996, it acquired a dual character, grounded both in the preservation of public order and trust and in Shari'a-based principles such as the prohibition of *tadlis*, *unlawful appropriation* (*akl al-mal bil-batil*), and the *no-harm* principle (Salari, 2007).

In the post-Revolution criminal system, forgery remained a *ta'zir* (discretionary) offense, but the legislature's emphasis shifted from the purely material element of the offense to fraudulent intent and resultant harm. Across various provisions, the Islamic legislature criminalized multiple forms of forgery—official documents, banknotes, seals, signatures, and judicial writs—while drawing a substantive distinction between public (state) and private forgery (Zeraat, 2007). This differentiation has roots in Imamiyyah jurisprudence, which prescribes severe *ta'zir* when forgery disrupts the public order or infringes upon the rights of the people (Sareikhani, 2015).

Compared with the pre-Revolution period, forgery after the Revolution became intertwined with Islamic concepts, evolving from a merely social offense into conduct bearing moral and religious weight. Thus, forgery was viewed not only as a violation of public trust but also as a religiously proscribed act that corrupts transactions and economic relations (Shambayati, 2009). Moreover, in contemporary criminal law, the mental element of forgery—emphasizing “intent to defraud” and a will to distort the truth—has been

articulated in a manner consistent with jurisprudential foundations ([Shamlou Ahmadi, 2001](#)).

Judicial practice after the Revolution has likewise treated forgery—alongside offenses such as fraud and the use of forged documents—as an offense against public trust, with numerous Supreme Court decisions highlighting its moral and religious dimensions ([Soleimanpour, 1982](#)). In general, the offense of forgery has moved beyond mere imitation of Western systems and has been reshaped into an indigenous model aligned with Imamiyyah principles, aimed at preserving transactional integrity and safeguarding truth in social relations ([Aghaeinia, 2014](#)).

### 3.3. Analysis of Developments from the Perspective of Legislative Criminal Policy

Iran's legislative criminal policy toward forgery has, over time, shifted from uncompromising severity toward a more mixed and prudential regime. In the pre-Revolution period, forgery was categorized among offenses against public tranquility, and the legislature, emphasizing the preservation of social trust, prescribed severe punishments such as long-term imprisonment and collateral disabilities ([Soleimanpour, 1982](#)). The legislature's strictness at that time stemmed from the influence of the classical school and the French model of criminalization, which regarded forgery as a threat to public order and the national economy ([Zeraat, 2007](#)). After the Revolution, criminal policy concerning forgery transcended a purely regulatory approach by incorporating Imamiyyah jurisprudential foundations and adding moral and religious dimensions. In the Ta'zirat Law of 1983 and the 1996 amendments, inspired by the prohibition of *tadlis* and the *no-harm* principle, the legislature retained the ta'zir nature of forgery while expanding the scope of criminalization—introducing additional forms of forgery in the sphere of official, governmental, and judicial documents ([Salari, 2007](#)). This expansion evidences a stringent legislative posture intended to safeguard transactional justice and prevent social mistrust ([Sareikhani, 2015](#)).

From the 2000s onward, however, in response to the rise of economic and electronic offenses, the legislature adopted a selective approach, distinguishing between traditional and technology-based forgery. In this phase, while maintaining the general framework of criminalization, the legislature refrained from

unnecessary sentence escalation and shifted attention toward prevention, rapid detection, and compensation of damages ([Shambayati, 2009](#)). This shift signals a movement in Iran's criminal policy toward a balance between "stringency in protecting public trust" and "leniency when confronting non-criminal error" ([Shamlou Ahmadi, 2001](#)).

In sum, legislative developments in Iran's forgery regime reveal a dynamic and context-sensitive criminal policy that has moved from emphasis on repression alone toward a combination of penal and preventive instruments. Put differently, although forgery remains a significant ta'zir offense, contemporary legislative policy—rather than intensifying punishments—rests on maintaining equilibrium among criminal justice, economic efficiency, and social morality ([Nouri, 2022](#); [Rajabi Pour, 2013](#)).

## 4. Elements of the Crime of Forgery and Its Relation to Private Legal Relations

This section analyzes the constituent elements of the crime of forgery and its reflections within transactional and civil relations ([Goldouzian, 2004](#); [Seyqal Nouri, 1999](#)).

### 4.1. The Material and Mental Elements of Forgery

The *material element* of forgery consists of a fraudulent physical act manifested through deliberate alteration, creation, or distortion of writing, documents, seals, or signatures for the purpose of conferring a lawful appearance upon an unlawful matter. In this element, the *physical act* is a necessary condition for the realization of the crime, and mere intent or motive without material execution is insufficient ([Goldouzian, 2004](#)). The material act may appear as the addition or deletion of words, modification of a date or amount, or the complete creation of a forged document. Moreover, the material element is contingent upon the *potential to deceive*; in other words, the alteration must be such that it appears credible to a reasonable person ([Seyqal Nouri, 1999](#)). In Iranian criminal jurisprudence, forgery is categorized as an *absolute crime*—its realization does not depend upon actual material damage, but rather the commission of a potentially harmful act suffices ([Shahriari, 2000](#)).

The *mental element* of forgery pertains to the criminal intent and the perpetrator's awareness of the falsity of

their act. The specific intent in this crime involves the will to deceive another in order to gain benefit or cause harm (Abdollahi, 2010). The psychological component encompasses two parts: *knowledge of falsity* and *intent to use or confer validity upon the forged document* (Moein Azghadi, 2002). Thus, if a person acts without knowledge or awareness of the forgery, the mental element is defective and the crime is not established.

In Iranian criminal law, both elements are directly linked to private legal relations, since the commission of forgery directly affects the validity of documents and transactions (Yousefian Shooredeli, 2011). The existence of fraudulent intent invalidates documents in civil relations and undermines the presumption of validity in transactions. Accordingly, both the material and mental elements of forgery play essential roles in safeguarding private legal order and preventing deviations in contractual will and consent (Nouri, 2022).

#### 4.2. Analysis of the Relationship Between Forgery and Damage to the Contracting Party

In criminal law, one of the essential elements in establishing the crime of forgery is the presence of actual or potential harm to another person. Forgery acquires criminal significance not merely due to the alteration of truth, but because it inflicts harm on public trust or private interests (Goldouzian, 2004). Damage in forgery may be material or moral; that is, whenever the act of forgery deceives the contracting party, causing financial loss or harm to reputation or legal credibility, the criminal description of forgery is fulfilled (Seyqal Nouri, 1999).

From the standpoint of criminal doctrine, the occurrence of *actual harm* is not required; *potential harm* suffices. The legislature, through criminalizing forgery, seeks to prevent damage and protect public trust and the security of transactions (Shahriari, 2000). Hence, forgery is classified as an offense against public confidence and tranquility rather than merely an offense against private property. Nonetheless, within private relations—particularly transactions—damage to a contracting party constitutes a clear manifestation of the harm element, as a forged document may serve as the basis of a contract or obligation upon which the other party relies (Abdollahi, 2010).

In the realm of private law, damage arising from forgery can also constitute the basis of *civil liability*. When a

person, through the use of a forged document, causes harm to another, they incur both criminal and civil liability and are obliged to compensate for the loss (Yousefian Shooredeli, 2011). Thus, the relationship between forgery and damage to a contracting party is dual in nature—encompassing both criminal and civil dimensions—and demonstrates that protection of public order and private interests is simultaneously realized in this offense (Sareikhani, 2015).

#### 4.3. The Effect of Proving Forgery on the Principles of Validity and Binding Force of Contracts in Civil Law

The proof of forgery exerts a direct and fundamental impact on the principles of *validity* and *binding force* of contracts in civil law. Under Article 219 of the Iranian Civil Code, the principle of contract validity constitutes the foundation of the enforceability of documents and agreements, presuming their validity until proven otherwise. The introduction of deception and fraud through forgery undermines this presumption, nullifying the validity of documents and agreements (Goldouzian, 2004).

The material and mental elements of forgery—by fabricating a document or certificate with intent to deceive the other party—violate the trust and genuine intent of the parties. Consequently, proof of forgery removes the contract or document from its natural state of validity and renders it void (Seyqal Nouri, 1999). In civil law, such nullification precludes either party from invoking the contract or deriving its legal effects. From the criminal perspective, forgery incurs criminal liability for the forger, whereas from the civil standpoint, the injured party may regard the principles of validity and binding force as nullified and seek compensation for damages (Shahriari, 2000).

Accordingly, the relationship between forgery and the principles of validity and binding force is dual: first, contract validity in civil law is directly affected, and upon proof of forgery, the contract loses legal force; second, criminal protection of document authenticity preserves transactional order and prevents harm to the parties (Abdollahi, 2010). Thus, proof of forgery serves not only as a basis of criminal liability but also as a legal mechanism for protecting the contractual rights of parties within the civil system, showing that the crime of forgery maintains a direct link with the fundamental principles of civil law (Mosalati, 2013).

#### 4.4. Articles 218 and 362 of the Iranian Civil Code in Light of Document Forgery

Articles 218 and 362 of the Iranian Civil Code are among the most significant provisions concerning the validity of documents and contracts and play a crucial role in addressing forged documents. Article 218 guarantees the presumption of validity and enforceability of contracts, assuming them to be correct and binding unless the contrary is proven (Goldouzian, 2004). Within this framework, the proof of forgery constitutes the essential factor in invalidating a contract, since forgery embodies deception and impairment of the parties' will, thereby defeating the presumption of validity (Seyqal Nouri, 1999).

Article 362 of the Civil Code addresses the nullification of contracts arising from fraud and deceit, stipulating that if a person induces another to enter a contract through deceit or by presenting a forged document, the contract becomes voidable (Shahriari, 2000). In light of document forgery, this article operates as a legal mechanism for protecting the injured party, ensuring that a contract or document proven to be forged loses its binding force. The relationship between these two articles and document forgery illustrates the direct intersection between private and criminal law. On the one hand, criminal law—by criminalizing forgery and prescribing punishment for the forger—safeguards the security of documents and public trust. On the other hand, civil law—through Articles 218 and 362—provides the injured party with legal recourse to invalidate or rescind the contract. Thus, these civil provisions, alongside criminal statutes, perform a complementary role in protecting transactional order and preventing harm to the parties (Nouri, 2022; Rafiee Zadeh, 2013).

### 5. The Impact of Document Forgery on the Validity and Enforceability of Transactions

In this section, the legal effects of forgery on contracts and obligations are analyzed.

#### 5.1. The Effect of Forgery on the Elements of Contract Validity (Consent, Intent, Capacity, Lawful Purpose)

Document forgery has a direct impact on the elements of contract validity in civil law. The first element is the parties' consent. By introducing a forged document or instrument, forgery shapes the other party's consent on

the basis of false information and directly damages genuine trust and will (Basharati Far, 2009). As a result, the consent obtained lacks authenticity, and the contract's validity is compromised. The second element is intent. In lawful transactions, the parties' intent is directed toward creating legal effects and undertaking contractual obligations. Forgery misleads and distorts the counterparty's intent because their decision-making rests on falsified information (Clarkson, 2011). This leads to an absence of true intent and, consequently, a defect in contractual validity. The third element is capacity. Although the parties' legal capacity is not directly affected by forgery, decision-making based on false information and deception caused by a forged document disrupts the person's ability to form an informed will and to choose properly (Mosalati, 2013). The fourth element is lawful purpose. A transaction concluded on the basis of a forged document loses its lawful purpose because the parties' legal acts are not performed to achieve genuine legal effects (Qanavati Khalafabadi, 2001).

Accordingly, from both criminal-law and private-law perspectives, forgery undermines the essential elements of contractual validity and renders agreements invalid. From the criminal-law perspective, forgery is criminalized to protect public trust and the order of transactions (Nouri, 2022). Thus, the direct link between document forgery and the enforceability and validity of transactions demonstrates the simultaneous importance of criminal and civil protection in safeguarding transactions and private legal relations.

#### 5.2. Distinction Between Genuine Transactions and Transactions Based on a Forged Document

In civil law, the validity and enforceability of transactions depend on their genuine nature. Genuine transactions are formed on the basis of sound will, free from deception, and contain all elements of validity—consent, intent, capacity, and lawful purpose (Basharati Far, 2009). These transactions enjoy full legal protection, and the parties may exercise their civil rights according to the terms of the contract. By contrast, transactions based on a forged document lack one or more essential elements of validity. A forged instrument deceives the parties and disrupts their genuine will, thereby vitiating the basis of the transaction (Clarkson, 2011). In such transactions, the elements of consent and intent lack authenticity due

to misinformation and deception, and the parties' decision-making capacity is impaired by the adverse impact of the forged document (Mosalati, 2013). From the perspective of criminal law, document forgery entails the forger's criminal liability and is criminalized to preserve transactional order and public trust (Nouri, 2022). In private law, transactions based on forged documents cannot generate the same legal effects as genuine transactions, and the injured party is entitled to seek rescission or nullity of the agreement and to claim damages (Qanavati Khalafabadi, 2001).

Therefore, distinguishing between genuine transactions and those based on forged documents is of particular importance in the interaction between criminal and private law. This distinction shows that proving forgery is not only a criminal imperative but also an important tool for protecting the parties' rights and preserving the validity of contracts in the civil-law system.

### 5.3. *The Effect of Discovering Forgery on Nullity or Non-Enforceability of the Contract*

The discovery of forgery plays a decisive role in the validity and enforceability of contracts in civil law. Where the document or instrument invoked in a transaction is determined to be forged, the presumption of validity and enforceability is undermined, and the parties can no longer rely on its terms (Basharati Far, 2009). This renders the contract devoid of legal effect in civil law and enables the injured party to seek nullity or rescission. In this framework, nullity means the absence of legal validity from the moment of conclusion. Article 362 of the Civil Code and the rules governing fraud and deceit provide mechanisms for rescinding or annulling transactions tainted by forgery (Mosalati, 2013). The discovery of forgery evidences the presence of deception and a defect in the parties' will, which eliminates an essential pillar of the transaction's legitimacy.

From the criminal-law perspective, forgery is criminalized as a means of protecting public trust and economic order. Identifying and proving document forgery exposes the forger to criminal liability and prevents further abuses (Clarkson, 2011). This demonstrates that the discovery of forgery is an effective criminal and civil tool for ensuring transactional soundness and preventing harm to the parties. Consequently, the discovery of forgery negates the contract's validity and enforceability and clarifies the

distinction between genuine transactions and those based on forged documents. This effect reveals the direct connection between criminal and private law in supporting economic order and protecting the parties' rights (Nouri, 2022; Qanavati Khalafabadi, 2001). Thus, the discovery of a forged document not only triggers the forger's criminal liability but also enables the injured party to vindicate civil rights.

### 5.4. *Civil Liability Arising from Forgery Toward a Good-Faith Party*

In addition to criminal consequences, document forgery generates significant civil liability, especially vis-à-vis good-faith parties (innocent third parties). A good-faith party is one who, without knowledge of or intent regarding the forgery, enters into a transaction on the basis of a forged instrument or agreement (Basharati Far, 2009). In such circumstances, the forger is liable for the harm inflicted on the good-faith party and must compensate the resulting loss.

Civil liability for forgery rests on the general rules of tort liability and the *no-harm* principle. Whenever a forger's act causes loss to a third person—even absent a direct intent to deceive that person—the forger is bound to make reparation (Clarkson, 2011). This principle ensures the protection of the parties' rights and maintains public trust in documents and transactions.

From the perspective of private law, the good-faith party may claim damages and obtain compensation. Iranian civil and criminal law—by recognizing forgery as a crime—facilitates not only the criminal prosecution of the forger but also civil protection for third parties (Mosalati, 2013). Thus, criminal and private law operate complementarily in this area, with the ultimate aim of safeguarding confidence in transactions and preventing harm to innocent persons (Qanavati Khalafabadi, 2001). The result is that the forger's civil liability toward a good-faith party demonstrates the direct link between the criminal offense of forgery and its civil effects on the validity of transactions. Even transactions based on forged documents, once the forgery is discovered, lose their legal effect, and the forger is obligated to compensate the damage.

### 5.5. *The Status of Third-Party Rights (Good-Faith Holder of a Forged Document)*

Under Iranian law, protecting third parties who, without knowledge or ill intent, transact on the basis of a forged document is of particular importance. The good-faith holder of a forged document may, from a civil-law standpoint, benefit from certain legal protections and has the right to claim damages arising from the forgery against the forger (Basharati Far, 2009).

Third-party rights are grounded in general principles of civil liability and the protection of public trust in documentation. When a forged document is used in transactions, a good-faith party—unaware of the forgery—may suffer harm. In such a case, the forger must compensate the loss, and this liability serves as a safeguard for third-party rights and as a preventive against forgery-related harms (Clarkson, 2011).

Iranian legal rules, having regard to the relevant statutory provisions, allow the good-faith holder to vindicate their rights. In addition to the forger's criminal liability, the third party may bring a civil action to recover direct and indirect losses resulting from the forgery (Mosalati, 2013). This protection for third parties creates a strong link between private and criminal law and highlights the importance of proving forgery and its effects on transactional validity (Qanavati Khalafabadi, 2001). The conclusion is that safeguarding the rights of good-faith holders of forged documents not only emphasizes compensation but also contributes to reinforcing public trust in transactions and official documents, thereby balancing the need for criminal sanctions against forgers with the protection of innocent parties' interests.

## 6. The Conceptual and Functional Link Between Private and Criminal Law in the Context of Forgery

This section provides a theoretical and functional analysis of the interaction between the two branches of law (Hosseinijad, 2011; Rajabi Pour, 2013).

### 6.1. *The Concept of the Link Between Private and Criminal Law in the Theory of "Criminal Protection of Private Rights"*

The theory of *Criminal Protection of Private Rights* is founded on the principle that criminal law can serve as an auxiliary mechanism to ensure the effectiveness and

protection of private rights. In this view, the criminalization of certain behaviors—such as document forgery—is not merely aimed at punishing the forger but also at securing the legal safety of contracting parties and public trust in documents and records (Rajabi Pour, 2013).

The connection between private and criminal law in this theory performs two principal functions: first, strengthening the enforcement of civil law through the imposition of criminal penalties on the forger; and second, preventing harm to contracting parties and good-faith third parties (Hosseinijad, 2011). In other words, criminal law, by imposing punishment and criminal liability on the forger, guarantees respect for the principles of validity and authenticity of private documents and transactions (Sakini, 2010).

This conceptual connection demonstrates the integration of two fields that are often studied separately. In the domain of forgery, civil and criminal effects operate simultaneously, and the legislator, by criminalizing forgery, aims to protect the parties' interests while preventing social harm (Rafiee Zadeh, 2013; Zarei, 2008). Therefore, the theory of *Criminal Protection of Private Rights* plays a key role in consolidating public trust and ensuring proper execution of transactions. It highlights the necessity of coordination between civil and criminal legal instruments to protect individual rights and preserve economic and social order.

### 6.2. *Analysis of the Link Between Private and Criminal Law in the Crime of Forgery*

The crime of document forgery exemplifies the fusion of private and criminal law, wherein the legislator, through criminalization, safeguards the security of transactions and public trust in both official and private documents (Rajabi Pour, 2013). In this context, criminal law functions as a complementary mechanism that, by establishing criminal liability for the forger, produces protective effects for the civil rights of contracting parties (Hosseinijad, 2011).

This interconnection encompasses two significant dimensions: first, the enhancement of civil-law enforcement—ensuring that parties to a contract enjoy legal security and protection from the consequences of forged documents (Sakini, 2010); and second, criminal prevention—whereby the threat of punishment and the

possibility of prosecution act as deterrents, preventing losses to contracting parties and society at large (Zarei, 2008).

This synthesis underscores the necessity of coordination between civil and criminal legislation to maintain economic and social order. The offense of forgery, by establishing criminal liability while influencing the validity of civil transactions, serves a dual role: protecting private interests and ensuring public security (Rafiee Zadeh, 2013; Sakini, 2010). Thus, the analysis of this interrelationship reveals that the criminalization of forgery not only serves punitive ends but also functions as a guarantee for the integrity of transactions and public trust, preserving stability and contractual credibility within society.

### 6.3. *The Role of Criminal Law in Securing Public Trust in Official and Private Documents*

Criminal law, through the criminalization of forgery involving both official and private documents, plays a fundamental role in ensuring public trust and transactional stability (Rajabi Pour, 2013). This approach is based on the principle of protecting the parties' interests and preventing harm arising from forged documents. Beyond its punitive aspect, the crime of forgery exerts a deterrent effect on society by heightening awareness of the importance of document authenticity (Hosseininjad, 2011).

Criminal law performs two essential functions in this respect: first, creating a legal guarantee for the authenticity of documents and the validity of transactions—enabling individuals to rely confidently on documents knowing that the law imposes criminal liability to reduce potential abuse (Sakini, 2010); and second, preventive deterrence—whereby the threat of punishment and the possibility of prosecution discourage forgery and reduce harm to individuals and society (Zarei, 2008).

This integration of criminal and private law strengthens public confidence in documents and preserves economic and social stability. The criminalization of document forgery, while protecting private rights, simultaneously ensures public trust in the legal and commercial systems and serves as an effective instrument for preventing economic disruption (Rafiee Zadeh, 2013; Sakini, 2010). Hence, by emphasizing the criminal responsibility of forgers, criminal law plays a dual and significant role in

protecting the credibility of documents and public trust, illustrating the close relationship between the protection of private rights and the maintenance of public order.

### 6.4. *Critique of Reductionist Approaches to Forgery*

Traditional and reductionist perspectives tend to view document forgery merely as an offense against the state and administrative order, often overlooking its detrimental effects on private rights (Hosseininjad, 2011). Such approaches focus solely on the administrative consequences of forgery and disregard its impact on the validity of transactions and individual rights (Rafiee Zadeh, 2013). In reality, however, document forgery—beyond disrupting administrative order—directly harms the rights of third parties and contracting parties, potentially causing financial loss and eroding public trust (Rajabi Pour, 2013).

A critique of these perspectives reveals that restricting forgery to an offense against the state provides an incomplete and ineffective understanding of the function of criminal law. The criminalization of forgery must encompass not only the protection of public and administrative order but also the safeguarding of private rights and the integrity of transactions (Zarei, 2008). In this framework, criminal law is not merely a tool for sanctioning forgers of governmental documents but also a preventive mechanism against harm to individuals and a means to strengthen public confidence in both official and private documents.

Thus, reductionist approaches lack the necessary comprehensiveness and fail to reflect the true role of criminal law in protecting private rights and ensuring economic and social stability. A comprehensive analytical approach should address both the impact of forgery on the state and its repercussions on private individuals, recognizing forgery as a *composite crime* with dual implications across both public and private domains (Nouri, 2022).

### 6.5. *Examination of Modern Theories in the Interaction Between the Two Branches: The Theory of Legal System Unity*

The *Theory of Legal System Unity* emphasizes the necessity of coordination and interaction between private and criminal law and considers document forgery as a prime example of this interconnection (Hosseininjad, 2011). According to this view, criminal

law is not solely a mechanism for punishing forgers but also serves preventive and protective functions in relation to individuals' private rights (Rajabi Pour, 2013). From this perspective, criminal measures against document forgery ensure the validity of transactions and private contracts while preventing harm to third parties. The theory of legal system unity, while emphasizing the overlap of the two legal branches, suggests that criminalization and punishment should be designed to fulfill the objectives of both domains—maintaining public order while protecting individual private rights (Rafiee Zadeh, 2013). This approach compensates for the limitations of reductionist perspectives by recognizing forgery not merely as an offense against the state but as a crime against the comprehensive legal order and individual rights as well.

In summary, the *Theory of Legal System Unity* underscores that the interaction between private and criminal law in the context of forgery is essential to preserving transactional security and public confidence in both official and private documents, while preventing the violation of individual rights. This theory provides an analytical framework for understanding the dual aspects of forgery and aligns criminal policy with the objectives of private law to achieve coherence within the legal system (Nouri, 2022; Zarei, 2008).

## 7. Conclusion

The historical evolution of document forgery in Iran reveals a complex and multilayered trajectory shaped by social, political, and legal transformations. Before the 1979 Islamic Revolution, the regulations concerning forgery were primarily developed from a criminal perspective, with an emphasis on maintaining public order and administrative integrity, while the civil implications of the crime—particularly its impact on transactions and private relations—were largely overlooked. After the Revolution, through the enactment of new laws and the revision of penal codes, greater attention was paid to the private-law dimensions of forgery, and the importance of official documents in ensuring transactional security became increasingly recognized. This shift demonstrates that a precise understanding of the nature and consequences of forgery is essential for shaping coherent criminal and legal policies, and that it cannot be regarded merely as an offense against the state or public order.

The dual role of document forgery—as both a criminal threat and a cause of civil invalidity—is clearly reflected in these developments. On one hand, forgery is punished as a criminal act to deter repetition and to preserve public confidence in the official documentation system. On the other hand, its civil consequences—such as the invalidation of contracts and the endangerment of third-party rights—show that forgery operates beyond the criminal domain, adversely affecting private legal security as well. This duality underscores the necessity of harmonization between criminal and civil law: while criminal statutes must aim to prevent forgery, they should also regulate its civil consequences and protect the rights of affected parties.

To achieve this harmony, several reform measures can be proposed. First, the enactment of a comprehensive law on forgery encompassing both traditional and digital documents could establish a unified framework for prevention and punishment, filling current legislative gaps. Second, the development of consistent judicial practice regarding the civil consequences of forgery—such as the nullity or non-enforceability of contracts—would promote legal stability and reduce judicial discrepancies. Third, enhancing cooperation between the Judiciary and the Registry Organization could facilitate the detection of forgery and mitigate its impact on transactions, thereby strengthening legal security.

Ultimately, it can be concluded that document forgery is not only an offense against public trust but also a serious threat to private legal security and the validity of transactions. Therefore, an integrated and coordinated approach between criminal and civil law is essential for effectively combating document forgery. Without establishing coherent legal and judicial mechanisms, even the existence of criminal sanctions may fail to prevent the civil repercussions of forgery, which could continue to endanger individual rights and erode both public and private confidence. Hence, legal and judicial policymaking in this area must simultaneously pursue criminal prevention and the protection of private rights to fully ensure the security of transactions and trust in the legal system.

## 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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