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Identifying Legal Solutions to Resolve Conflicts of Property Rights in the Implementation of Relevant Regulations under the Civil Code

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ABSTRACT

This article examines the legal conflict between private property rights and the implementation of regulations governing public lands, natural resources, and related administrative determinations within the framework of the Civil Code. The study is based on the premise that many disputes concerning land ownership, title validity, possession, and administrative classification do not arise from the absence of legal rules, but from inconsistency among civil law principles, public law regulations, registration mechanisms, and quasi-judicial procedures. Using a doctrinal and analytical approach, the article explores the conceptual foundations of ownership, the legal status of public and national lands, and the sources of tension between private rights and state regulatory powers. The analysis shows that ownership in civil law is treated as a highly protected real right that includes possession, use, enjoyment, and transfer, while public law simultaneously authorizes state intervention for the preservation of forests, rangelands, waterways, and other resources considered essential to collective welfare and intergenerational interests. The article argues that the central difficulty lies in the lack of coordination between these legal spheres, especially where administrative classification, title correction, and land registration affect previously recognized private claims. It further demonstrates that the persistence of conflict is reinforced by fragmented institutions, inconsistent evidentiary practices, limited procedural safeguards, and insufficient judicial oversight. The study concludes that effective resolution requires clear legal criteria for land classification, a stronger evidentiary framework, integrated cadastral and registration systems, meaningful judicial review, and proportionate limits on administrative discretion. It also finds that a sustainable legal response cannot be achieved through unconditional preference for either private ownership or public authority. Instead, the legal system must adopt a coordinated rule-of-law model capable of preserving legitimate property rights while also protecting genuinely public resources. Such an approach strengthens legal certainty, improves institutional legitimacy, and creates a more balanced framework for resolving ownership disputes in matters involving land, natural resources, and public regulation.

Keywords: *Property rights, Civil Code, land disputes, public lands, natural resources, legal conflict, land governance, administrative law*

Introduction

Property is one of the oldest and most resilient legal institutions, yet it is also one of the most contested. Every legal system seeks to present ownership as a stable relation between a person and a thing, but that stability is repeatedly tested whenever the state intervenes in land, regulates natural resources, redraws administrative boundaries, or reclassifies territory from private ownership into public domain. In civil law systems, this tension becomes especially sharp because the concept of ownership is traditionally framed as the broadest real right, carrying with it powers of possession, use, enjoyment, exclusion, and transfer. Iranian civil law, much like other classical civil law systems, recognizes property as a foundational legal relation and protects the owner against arbitrary dispossession. Emami explains ownership as the most complete legal relation a person may have with property, and Katouzian similarly treats ownership as the fullest real right, one that secures both control over the thing and access to its fruits and benefits (1). Jafari Langroudi's legal terminology reinforces this point by distinguishing between property as the object of legal control and ownership as the normative relation that gives the holder authority over that object (2). Safai also stresses that civil law protection of property is not merely economic; it is tied to personal security, legal certainty, and social order (3). The difficulty begins when a competing legal claim arises from public law and redefines the same asset as part of national wealth, environmental heritage, or collective property.

This conflict is not accidental. It emerges from two powerful legal narratives that operate simultaneously. The first narrative is individual and proprietary. It is rooted in the idea that legally acquired property deserves respect, continuity, and judicial protection. This narrative has philosophical support in classical theories of labor, acquisition, and autonomy, as developed by Locke, who connects property to personal effort and legitimate appropriation (4), and in modern legal theory, where Waldron links private property to independence, personality, and structured liberty (5). The second narrative is collective and regulatory. It presents some resources as too important to be governed solely by private control because forests, rangelands, rivers, ecological zones, and strategic lands serve intergenerational and public functions. Sax's public trust approach emphasizes that certain resources are held under a public obligation and cannot be reduced to ordinary market commodities (6). Ostrom, from a governance perspective, shows that shared resources require institutional design, monitoring, and collective rules rather than simple privatization or state seizure (7). Rose adds that commons regimes may generate social benefits that are invisible if the law is framed only through exclusive ownership (8). The legal problem addressed in this article lies precisely in the zone where these two narratives meet, overlap, and clash.

In the Iranian context, the conflict becomes doctrinally intense because the implementation of regulations related to forests, rangelands, national lands, land allocation, registration, and administrative identification of public property often intersects with the Civil Code's guarantees of ownership. As the attached thesis demonstrates, the most sensitive disputes arise when land that has been possessed, cultivated, inherited, registered, or otherwise treated as private property is later subjected to administrative classification as national land, public land, or land outside the scope of private ownership. This produces a chain of legal consequences: prior title deeds may be challenged, official records may be corrected or annulled, possession may be displaced, and affected individuals may be forced into long procedural battles before administrative bodies, commissions, or courts. The problem is not limited to a single statute. Rather, it is the cumulative effect of overlapping laws, scattered regulations, executive practices, evidentiary asymmetries, and inconsistent understandings of the relation between civil ownership and public resource governance. In such disputes, the owner relies on civil law principles, possession, title, and acquired rights, while the state relies on statutory declarations of public status, environmental protection, land-use classification, or special administrative powers. The result is not merely a doctrinal disagreement; it is a structural conflict between two models of legality.

The theoretical stakes of this conflict are high because property is not a single power but a composite legal institution. Hohfeld's analysis reminds us that what appears to be a single "right" is actually a complex arrangement of claims, liberties, powers, and immunities (9). Honoré's famous account of ownership likewise presents property as a bundle of incidents rather than an indivisible absolute, which means that legal systems may regulate some incidents of ownership without necessarily abolishing the institution itself (10). Hart's account of law provides an additional layer of clarity by showing that legal order depends on the interaction of primary rules governing conduct and secondary rules governing recognition, change, and adjudication (11). In the present field of conflict, this distinction is especially useful. The substantive content of property rights belongs to the primary rules of civil law, but the administrative classification of land, the issuance of determinations, the correction of records, and the operation of special commissions belong to the secondary and institutional rules of the legal system. When these institutional mechanisms operate without sufficient harmony with the underlying civil law concept of ownership, a formal legal act can undermine substantive legal security. That is why the issue cannot be solved merely by repeating that public interest prevails or that environmental protection is necessary. The real question is whether the legal system has developed a coherent method for reconciling public regulatory power with the doctrinal core of ownership.

Islamic jurisprudence also complicates and enriches the analysis. The concept of ownership in Islamic legal thought is not identical to a modern liberal idea of unbounded dominion, yet it is far from weak or incidental. Ansari treats ownership as a legally cognizable authority over property, while Yazdi's discussion of legal control emphasizes that ownership is an intelligible juridical relation grounded in recognized causes of acquisition and protected against unlawful interference (12, 13). Khomeini characterizes ownership as a rational and legally valid relation whose incidents include authority over transfer and transformation, thereby recognizing its operative force in a functioning legal order (14). Mousavi Bojnordi interprets Islamic conceptions of property as simultaneously respecting private dominion and situating it within a normative order that recognizes public wealth, common utilities, and social obligations (15). Al-Sadr further shows that property in Islamic legal and economic thought cannot be reduced either to individual absolutism or to state collectivism; instead, it belongs to a differentiated regime in which private, public, and communal claims coexist under a normatively structured order (16). This jurisprudential background is important because the conflict under examination is often presented as if public law and private property are natural enemies. In fact, both classical civil law and Islamic jurisprudence contain the conceptual tools needed to balance them, provided the legal system uses those tools systematically.

International land governance literature also supports a more balanced approach. The Food and Agriculture Organization emphasizes that land tenure systems must provide clarity, security, and accessible means of dispute resolution if they are to support social peace and sustainable resource management (17). The World Bank's governance framework similarly identifies institutional coherence, transparency of records, predictable adjudication, and the alignment of legal and spatial data as essential conditions for effective land governance (18). The Rio Declaration likewise frames environmental protection and development as mutually interdependent rather than inherently incompatible, which implies that environmental regulation should be legally integrated with human rights, access to justice, and orderly governance (19). These sources do not simply offer comparative ornamentation. They illuminate the core thesis of this article: the most durable solution to conflicts of property rights is not the categorical triumph of one side over the other, but the construction of legal institutions that can distinguish public property from private property with precision, protect legitimate private ownership when it exists, and empower the state to preserve genuinely public and ecologically significant lands through lawful, reviewable, and proportionate mechanisms.

This article therefore examines the conflict of property rights in the implementation of related regulations under the Civil Code through a doctrinal and analytical lens. It is based on the premise that many of the most persistent disputes arise not because ownership is conceptually unclear, but because the legal system has not adequately synchronized civil law principles, administrative mechanisms, land registration practices, and public resource regulations. The article aims to identify legal solutions that preserve the normative core of ownership while enabling lawful state protection of public resources. It argues that the conflict is best understood as a problem of legal coordination rather than a simple opposition between private rights and public welfare. It further argues that the path to resolution lies in clarifying legal concepts, harmonizing statutes, reforming evidentiary and procedural mechanisms, strengthening judicial review, improving cadastral and registration systems, and limiting administrative discretion by reference to coherent civil law standards. To develop this argument, the article first clarifies the conceptual and theoretical foundations of ownership and property rights, then examines the legal framework that generates conflict, and finally proposes solutions for doctrinal, procedural, institutional, and policy reform.

Conceptual Foundations of Property Rights

Any serious analysis of conflicts involving land, public property, and regulatory intervention must begin with the concept of ownership itself. Much of the confusion in practice stems from the tendency to treat ownership as either absolutely sacred or entirely contingent on statutory reclassification. Both tendencies are doctrinally unsound. Civil law theory does not present ownership as a mystical status immune from regulation, yet neither does it reduce ownership to a temporary administrative convenience. Katouzian treats ownership as the most complete real right, distinguished by the concentration of legal authority in the owner and by the owner's power to possess, use, enjoy, and dispose of the thing within legal limits (20). Emami's treatment is similar, emphasizing that the owner's legal relation to the property is direct, comprehensive, and protected against interference absent lawful cause (1). Safai likewise underscores that ownership is broader than mere possession because the possessor may hold factual control while lacking legal title, whereas the owner has a juridical status recognized and enforceable within the legal order (3). Jafari Langroudi's terminology makes this distinction especially useful by separating the semantic field of "property" from the normative field of "ownership," thus showing that legal discourse must always ask whether the issue concerns the object, the right, or the proof of the right (2).

This distinction is not merely linguistic. It reveals that ownership disputes may concern different levels of analysis. One level concerns the legal object: what kind of thing is the land in question, and under which category does it fall? Another level concerns the juridical relation: who has the recognized right over the land, and by what cause of acquisition? A third level concerns evidence and institutional recognition: what records, acts, or presumptions are accepted as proof? Many conflicts over national lands and private claims arise because these levels are collapsed into one another. Administrative bodies often begin from classification and infer ownership, while private claimants begin from possession or title and infer classification. A coherent legal system cannot allow such circularity. It must define what makes land public, what makes it private, how those categories are proven, and how a prior claim may be displaced only through legally sufficient process. Hohfeld's analysis helps here because it dismantles the illusion that ownership is a single, indivisible fact (9). A claimant may possess liberties of use but lack immunity from regulation; the state may hold power to classify or intervene but still owe duties of justification and procedure. Honoré's account complements this by showing that ownership includes incidents such as possession, management, income, transmissibility, security, and residuality (10). Once ownership is seen in this way, the legal question becomes more precise: which incidents are being limited, on what basis, and through what lawful mechanism?

The notion that ownership is relational rather than purely physical is also deeply rooted in Islamic jurisprudence. Ansari's treatment of ownership places emphasis on legally recognized control and exclusion, indicating that ownership is not reducible to a material fact but rests on a normative attribution of authority (12). Yazdi's discussions similarly suggest that legal possession and legally recognized dominion are related but distinct categories, which means that proof and presumption matter greatly in determining the legal outcome (13). Khomeini advances the analysis further by framing ownership as a rationally intelligible legal validity whose consequences include the power to transform, transfer, and regulate the thing owned within lawful bounds (14). Mousavi Bojnordi interprets these traditions as supporting a broad but not unbounded model of ownership, in which the owner's legal sphere exists alongside categories of public wealth, communal interests, and state administration (15). Al-Sadr's economic-legal theory is particularly helpful because it rejects simplistic binaries. For him, legal systems can and should recognize differentiated property regimes, including private holdings, public resources, and collective utilities, without dissolving the coherence of either one (16). This is crucial for the present article because it shows that acknowledging public resources does not require denying the seriousness of private property claims.

A further conceptual distinction is needed between ownership and possession. Possession is often the practical gateway through which conflicts enter the legal system. Someone possesses, cultivates, fences, inherits, or registers land, and later the state claims that the same land is part of national territory, public domain, or environmentally protected space. Civil law has long recognized possession as an evidentiary and functional institution. It is not identical to ownership, but it creates legal presumptions and stabilizes social relations. Safai notes that possession functions as an important indicator in civil disputes precisely because law cannot ignore visible and continuous control over property (3). Katouzian similarly emphasizes that possession may operate as evidence of ownership and that the legal order protects possession in part because it reduces disorder and opportunistic interference (20). Yet the same legal tradition also recognizes that possession can be defective, temporary, or rebutted. This duality explains why possession is central to the conflict over land classification. If the legal system grants too much weight to possession, public resources may be privatized through gradual encroachment. If it grants too little weight to possession, acquired rights and longstanding reliance may be erased through administrative abstraction. The problem is therefore not whether possession matters, but how it should be weighed against competing claims of public status.

Modern property theory provides additional insight. Hart's legal theory reminds us that property exists within a system of recognized rules and institutional procedures, not outside them (11). Ownership is protected because the legal system treats certain acts, documents, and statuses as valid sources of rights. But that same system also defines when and how rights can be limited, transformed, or extinguished. Waldron shows that private property is more than a market device; it structures social expectations and protects a domain of independence, making arbitrary disruption especially harmful (5). Locke, although writing in a very different context, similarly ties property to legitimate acquisition and labor, a theme that still resonates in disputes involving cultivation, revival of land, and reliance on one's work (4). Epstein's takings analysis adds another important dimension: state action that significantly diminishes or eliminates private property interests raises not only policy questions but questions of legal justification, compensation, and limits on sovereign power (21). Even where the state acts for legitimate public purposes, legal systems must define the threshold at which regulation becomes a de facto deprivation. This insight is directly relevant where private title, use, or possession is displaced by administrative classification or public claims.

At the same time, commons theory warns against a purely individualistic account of land and natural resources. Ostrom demonstrates that common-pool resources require carefully calibrated rules of access, monitoring, sanction, and conflict resolution if they are to be sustained over time (7). Rose's work shows that some resources produce social value precisely because they are shared or open in structured ways, which means that exclusive ownership is not always the legally optimal form (8). Sax's public trust doctrine develops this insight into a legal principle: some resources are held under obligations owed to the public, and the state's role is not unrestricted ownership but fiduciary-like stewardship (6). The significance of these theories for the present subject is substantial. They show that legal protection of forests, rangelands, waterways, and ecologically sensitive zones is not an ideological deviation from property law; it is part of a broader legal recognition that some assets cannot be governed solely through the logic of exclusivity. Yet these same theories do not authorize institutional vagueness. Public status must be established clearly, the scope of restriction must be proportionate, and mechanisms for review must be available.

International governance literature brings the conceptual picture into sharper administrative focus. The FAO's land tenure framework stresses that tenure security depends on clarity of rights, accessibility of records, enforceability of claims, and the availability of fair dispute resolution mechanisms (17). The World Bank's governance framework similarly links sound land systems to reliable cadastre, coordinated institutions, predictable adjudication, and transparent decision-making (18). The Rio Declaration frames environmental stewardship and legal justice as mutually reinforcing rather than competing goals (19). Taken together, these perspectives support the central conceptual conclusion of this section: ownership should be understood as a legally protected, institutionally mediated, and socially situated right. It is legally protected because it anchors expectation and autonomy; institutionally mediated because title, possession, adjudication, and registration shape its operation; and socially situated because some resources carry public functions that justify regulation. The conflict of property rights in the implementation of related regulations therefore cannot be resolved by absolutizing ownership or by dissolving it into administrative policy. It must be resolved by a theory of legal coordination that takes seriously the civil law nature of ownership, the evidentiary role of possession and registration, the legitimacy of public resource protection, and the need for procedures that can distinguish among these claims with accuracy and fairness.

Legal Framework of Ownership, Public Lands, and Regulatory Intervention

The legal framework that generates conflict over property rights is not a single rule but a layered structure composed of civil law principles, public law classifications, land administration mechanisms, and dispute-resolution institutions. At the foundation lies the Civil Code, which protects ownership as a broad right of use and disposition and recognizes the owner's interest in both the corpus and the benefits of property. Emami explains that civil ownership is meant to create stability in legal relations and to secure the owner against interference except where law explicitly authorizes limitation or removal (1). Katouzian similarly insists that the civil law concept of ownership would lose much of its meaning if legal systems permitted uncertainty regarding the owner's status each time an administrative body reinterpreted the property's character (20). Safai adds that the protection of ownership requires not only substantive norms but predictable evidentiary standards and consistent institutional conduct (3). These foundational civil principles are not abstract. They are the normative lens through which later interventions must be assessed. If a public law regulation affects land claimed by a private person, the first legal question is not simply whether the state has a policy objective, but whether the intervention respects the civil law structure of title, possession, proof, and legal security.

The complexity emerges because civil ownership coexists with a separate body of law governing public wealth and natural resources. In legal and jurisprudential thought, not all land is presumptively available for private appropriation. Mousavi Bojnordi highlights that Islamic legal analysis recognizes distinctions among private ownership, public property, and forms of wealth that fall under public or state stewardship (15). Khomeini's jurisprudential approach allows for the existence of domains that are subject to governance in the public interest rather than ordinary private disposal (14). Al-Sadr also supports a differentiated structure of ownership regimes in which the state may administer certain assets because their nature or function places them outside ordinary private exchange (16). This theoretical background helps explain why legislation concerning forests, rangelands, waterways, and ecologically sensitive zones often proceeds through broad declarations of public status. The state does not present itself merely as a competitor in the property market; it acts as an authority claiming stewardship over resources deemed essential to the community, to future generations, or to the ecological infrastructure of society.

The problem arises when these public law declarations operate without adequate doctrinal precision or procedural safeguards. In practice, the identification of national lands often occurs through administrative determination, technical reports, classification records, and institutional announcements. Once such a determination is made, it may trigger correction or annulment of existing title records, invalidate possessory expectations, or shift the evidentiary burden onto individuals who must now prove that their land falls outside the scope of national classification. Hart's framework is useful here because it shows that the issue is not only what the substantive rules say, but how the legal system allocates authority to identify, interpret, and enforce those rules (11). When secondary rules of adjudication and recognition are weak or fragmented, the substantive concept of ownership becomes vulnerable. Hohfeld's scheme sharpens the point: the state may hold a legal power to classify land, but the affected individual holds claim-rights to due process, to lawful adjudication, and to immunity from arbitrary deprivation (9). Honoré's incidents of ownership also reveal what is at stake. A classification that nullifies title, forbids use, prevents transfer, and removes managerial authority affects several central incidents of ownership at once (10). Such intervention cannot be treated as minor regulation.

Registration law plays an especially delicate role in this structure. Formal title is often regarded by citizens as the clearest sign of legal ownership. Jafari Langroudi's terminological analysis helps explain why this belief is understandable: legal systems often treat official documents as the strongest expression of recognized rights (2). Yet civil law doctrine also knows that a title deed is evidence of ownership rather than ownership's metaphysical source. Katouzian notes that registration strengthens legal certainty, but it does not always eliminate every underlying defect or every competing public claim (20). Safai similarly emphasizes that the legal value of title must be read in the context of the system's rules of validity, evidence, and public order (3). This is where conflict becomes acute. If the state later claims that the land was never legitimately subject to private appropriation because it belonged to a category of public or national resources, then the title deed's reliability is called into question. From the perspective of the individual, this feels like retroactive dispossession. From the perspective of the state, it is a correction of an invalid or incomplete legal status. The legal system must therefore decide how much weight to give to formal registration, to possession, to evidence of revival or cultivation, and to technical ecological classification.

Comparative and international literature strongly suggests that such decisions cannot be made through institutional fragmentation. The FAO's land tenure work repeatedly stresses that secure tenure depends on clear recognition of rights, transparent adjudication, and the reduction of overlapping claims between public agencies and private actors (17). The World Bank's land governance framework similarly identifies fragmented authority, weak records, and inconsistent adjudication as central causes of land conflict (18). Where different agencies claim authority over the same territory, or where cadastral, registration, and resource-management systems do not speak to one another, legal conflict becomes structural rather than episodic. The attached thesis illustrates this problem well by pointing to tensions not only between individuals and natural resources authorities, but also among public institutions themselves, especially where riverbeds, protected zones, or public boundaries are concerned. In such settings, the citizen confronts not one coherent sovereign voice but several overlapping institutions, each asserting a different legal map. Legal certainty becomes the casualty of administrative pluralism.

The institutional mechanism most closely associated with such conflicts is the special commission or quasi-judicial body tasked with handling objections, classifications, and disputes arising from national land determinations. The advantage of such bodies is obvious: they may offer technical expertise, speed, and specialized familiarity with land and resource issues. But their weaknesses are equally obvious. If they combine investigative, administrative, and adjudicative functions; if they rely heavily on executive evidence; if their procedures are not fully transparent; or if their decisions are difficult to challenge, then they risk becoming instruments of administrative preference rather than genuine forums of adjudication. Hart would describe this as a malfunction of the legal system's secondary rules of adjudication (11). Hohfeld would translate the same problem into relational terms: the claimant is subject to the state's power without being adequately protected by correlating claims and immunities (9). Waldron's emphasis on property as a basis of personal independence makes the procedural dimension even more important, because a property system that allows decisive impairment through opaque institutional processes undermines not only wealth but legal dignity (5).

The substantive content of the conflict is also shaped by the distinction between private property and common resources. Sax's public trust idea supports the proposition that some resources must remain under public-oriented stewardship because they serve functions broader than individual consumption or profit (6). Ostrom's commons theory shows why resource governance often requires restrictions on exclusion and use in order to prevent degradation or monopolization (7). Rose's work adds that law must sometimes preserve openness or shared use to maintain public value (8). These insights justify public law intervention, but they do not determine its legal form. The mere fact that a resource is important does not authorize a legal system to treat all contested land as presumptively public or to disregard acquired rights, reliance, or registration. Locke's labor-based theory, although not directly controlling, reminds us that legal orders have long associated rightful claim with improvement, occupation, and effort (4). Epstein's takings theory similarly warns that when public objectives are pursued through measures that erase private claims without a clear framework of justification, legal systems risk normalizing uncompensated or poorly justified deprivation (21).

The Rio Declaration reinforces the need for integration rather than legal polarization. Environmental protection, access to information, participation, and justice are part of a single governance framework, not separate agendas (19). If environmental law is implemented in ways that obscure rights, weaken review, and destabilize land relations, then it undermines its own legitimacy. Conversely, if private title is treated as inviolable even in ecologically critical domains, law fails in its public stewardship function. The central legal framework issue is therefore the absence of a principled hierarchy and interaction among the relevant norms. Civil law recognizes ownership. Public law protects collective resources. Registration law confers documentary certainty. Administrative law creates specialized mechanisms of implementation. The conflict arises when these regimes are not coordinated by clear doctrines of proof, presumptions, burdens, procedure, and review. In such a system, disputes over property rights become repetitive, costly, and socially corrosive because the law offers multiple pathways to contradictory outcomes. A stable legal framework requires not the elimination of public intervention, but its subordination to coherent doctrinal standards and reviewable institutional processes.

Legal Solutions to Resolve Conflicts of Property Rights

The resolution of conflicts of property rights in the implementation of related regulations under the Civil Code requires more than isolated amendments. What is needed is a coherent legal strategy that addresses concept, evidence, procedure, institutions, and policy in a unified way. The first solution is doctrinal clarification. A legal system cannot resolve property disputes if it remains uncertain about the relation between civil ownership and public classification. Katouzian's analysis of ownership as the fullest real right suggests that any restriction or displacement of ownership must be explicitly grounded in law and narrowly interpreted (20). Emami's account likewise indicates that dispossession or serious limitation cannot be presumed; it must be justified by clear legal authority and accompanied by legal process (1). Safai's treatment of property law reinforces the same conclusion by emphasizing that civil rights depend on certainty, not administrative improvisation (3). Accordingly, the first reform should be to articulate, within legislation or binding interpretive doctrine, a clear rule that civil ownership remains presumptively valid unless public status is established through legally defined criteria and procedurally reviewable evidence. This would not weaken public land protection; it would discipline it.

A second solution concerns the legal classification of land. The categories of private land, public property, state assets, common resources, and national lands must be defined with precision and coordinated across statutes. Mousavi Bojnordi's account of property in Islamic law supports the possibility of differentiated categories without conceptual confusion (15). Al-Sadr similarly demonstrates that legal orders can recognize multiple property regimes while preserving the internal coherence of each (16). Khomeini's jurisprudence, by grounding ownership and public authority within a rational legal structure, also supports classification as a normative exercise rather than an ad hoc administrative claim (14). The practical implication is that legislation should specify the operative criteria for classifying land as public or national, particularly where ecological condition, prior cultivation, revival, possession, or documentation are relevant. If these criteria remain broad or ambiguous, executive discretion will continue to fill the gap, and conflict will persist. Classification must also be time-sensitive. A legal system should determine whether the relevant status is assessed at the date of statute, the date of acquisition, the date of official determination, or some other legally fixed point. Without temporal clarity, evidence becomes unstable and adjudication becomes arbitrary.

A third solution concerns the evidentiary regime. Many property conflicts are not disputes about abstract principles but about what counts as proof. Jafari Langroudi's terminological precision reminds us that legal discourse on ownership depends heavily on documentary and evidentiary categories (2). Ansari and Yazdi also indicate, from the jurisprudential side, that legal control and entitlement must rest on recognized causes and proof rather than mere assertion (12, 13). The evidentiary regime should therefore be reformed in at least three ways. First, title deeds, longstanding possession, tax records, cultivation history, inheritance records, and local administrative documents should be treated as serious evidence rather than easily displaced presumptions. Second, technical reports prepared by executive agencies should not enjoy conclusive status merely because they are official. Their methodology, date, sources, and internal consistency must be open to challenge. Third, the burden of proof should be allocated in a way that corresponds to the seriousness of the intervention. If the state seeks to extinguish or radically limit an existing private claim, it should bear a substantial burden of justification. This is consistent with Epstein's warning that public objectives should not be pursued through legal structures that normalize uncompensated or weakly justified losses to private owners (21).

A fourth and particularly urgent solution is procedural reform. The most persistent source of injustice is not always the substantive law but the forum through which disputes are decided. Hart's theory makes clear that the legitimacy of law depends heavily on the quality of its rules of adjudication (11). Hohfeld's framework likewise implies that any system exercising power over property must create corresponding claims to hearing, challenge, and review (9). Where special commissions or quasi-judicial bodies decide disputes over national land classification, several minimum standards should be guaranteed: timely notice, access to the file, the right to present evidence, the right to challenge technical reports, a reasoned written decision, and a fully effective possibility of judicial review. Specialized commissions may remain useful for technical matters, but they should not function as insulated final arbiters of rights affecting the core of civil ownership. Judicial courts must retain meaningful authority to review both law and fact. Waldron's argument that property structures a sphere of personal independence supports the need for such procedural seriousness (5). If a person's land, livelihood, or inherited asset can be neutralized through abbreviated administrative procedure, the property system ceases to function as a reliable legal institution.

A fifth solution lies in institutional coordination. International land governance research repeatedly shows that fragmentation among agencies is one of the primary generators of land disputes (18). The FAO also stresses that overlapping mandates weaken tenure security and complicate dispute resolution (17). The attached thesis illustrates this problem in the Iranian setting by pointing to tensions among natural resources bodies, registration authorities, and other public agencies responsible for water, boundaries, or land administration. Legal reform should therefore aim at institutional integration. This does not necessarily mean creating a single super-agency, but it does mean constructing interoperable systems of cadastral mapping, title registration, ecological classification, and public land inventory. When agencies rely on different maps, different legal assumptions, and different evidentiary thresholds, citizens are forced to navigate a broken state. The law should require that classifications affecting property rights be entered into a unified, reviewable, and publicly accessible land information system before they can produce irreversible legal consequences.

A sixth solution concerns cadastral and registration modernization. One of the most effective ways to reduce conflict is to align legal records with accurate spatial data. The World Bank's governance framework places strong emphasis on integrated cadastre, boundary certainty, and synchronization between legal and geographic information (18). The FAO's land tenure materials similarly identify cadastral precision as a key factor in tenure security and dispute prevention (17). This is particularly important where public land claims are based on general classifications rather than parcel-specific adjudication. If public status is asserted over land that is poorly mapped, historically ambiguous, or inconsistently recorded, the risk of unjustified encroachment on private rights becomes substantial. A national cadastral program, integrated with title records and public land designations, would allow legal disputes to move away from conjecture and toward demonstrable spatial evidence. Such modernization would also benefit the state by strengthening the protection of genuinely public lands against unlawful occupation.

A seventh solution is normative proportionality. Not every public interest justifies the same degree of interference with ownership. Sax's public trust framework supports strong stewardship where resources are essential to public use or ecological continuity (6). Ostrom's commons theory supports regulatory limits where unmanaged exclusivity would undermine shared sustainability (7). Rose likewise shows that some degree of openness or shared governance may be necessary in specific contexts (8). Yet these theories do not imply that every ecological concern authorizes title annulment or total dispossession. Law should therefore adopt a graduated model of intervention. In some cases, regulation of use may be sufficient. In others, partial servitudes, zoning, monitored access, or conditional restrictions may achieve the public purpose without eliminating ownership. Only where the nature of the land or resource clearly excludes private appropriation should complete legal displacement occur. This idea is also compatible with Honoré's analysis, which allows legal systems to regulate some incidents of ownership while preserving others (10). The principle of proportionality would thus reduce the false binary between full private dominion and total public absorption.

An eighth solution is legislative consolidation and purification. One reason conflict persists is that the relevant norms are scattered across multiple statutes, regulations, amendments, executive practices, and special mechanisms. This dispersal creates contradictions, interpretive gaps, and opportunities for selective enforcement. A reform project should therefore compile, reconcile, and systematize the rules governing ownership conflicts in land and natural resource matters. The purpose would not simply be codification for its own sake, but the elimination of internal inconsistency. Locke's basic insight that property requires publicly knowable rules of acquisition and protection remains relevant here (4). Hart's theory likewise suggests that rules of recognition and change must be coherent if the legal system is to command reliable compliance (11). A consolidated legislative framework should define categories of land, causes of private acquisition, criteria of public exclusion, standards of proof, institutional competencies, procedures of objection, and routes of appeal. It should also address the legal consequences of conflicting records and the remedies available to affected parties.

A final solution lies in embedding the entire framework within rule-of-law values. The Rio Declaration links environmental objectives with participation, information, and access to justice (19). That integration should be taken seriously. Public protection of forests, rangelands, and common resources is not weakened by fair procedure, transparent evidence, and judicial review; it is strengthened. Similarly, private property is not weakened by reasonable public regulation; it is civilized. The true legal solution is therefore synthesis rather than victory. The law must protect genuine private ownership, prevent opportunistic privatization of public resources, discipline administrative discretion, modernize records, coordinate institutions, and ensure that any decisive impairment of property rights occurs only through clear law, reliable evidence, and fair adjudication. Only such a framework can reconcile the civil law dignity of ownership with the public law imperative of stewardship.

Conclusion

The conflict of property rights in the implementation of regulations related to land, natural resources, and public property is not a marginal or technical issue. It reaches into the core of legal order because it tests whether the legal system can reconcile security of ownership with the demands of collective governance. The analysis developed in this article shows that the conflict is structural rather than accidental. It emerges from the intersection of civil law doctrines that protect ownership, administrative mechanisms that classify and regulate land, registration systems that confer documentary certainty, and public law norms that seek to preserve resources regarded as national or common wealth. When these normative and institutional layers are not coordinated, each begins to undermine the other. Civil law appears formalistic and ineffective when it cannot protect owners against opaque intervention. Public law appears arbitrary when it claims stewardship without precision, review, or proportionality. Registration law appears unreliable when official title can be destabilized without a coherent evidentiary framework. Administrative law appears overreaching when specialized bodies become substitutes for full adjudication rather than complements to it.

The article has argued that ownership must be understood neither as an unqualified absolute nor as a fragile status always subject to displacement by administrative declaration. Ownership is a legally protected, socially significant, and institutionally mediated right. It exists within a system that may legitimately regulate certain assets in the public interest, especially where ecological preservation, common use, and intergenerational welfare are at stake. Yet that legitimacy depends on legal discipline. Public interest cannot function as a blanket formula that dissolves acquired rights, erases reliance, or converts contested land into public property through weakly reasoned procedures. At the same time, private title cannot be treated as conclusive in every case regardless of the land's true character, the historical basis of appropriation, or the legal category into which the land falls. The legal task is not to deny either side, but to create standards that distinguish them accurately and adjudicate between them fairly.

Several conclusions follow from this analysis. First, the central weakness of the present conflict structure is the lack of doctrinal synchronization. The law does not consistently articulate how civil ownership relates to public classifications, how title and possession should be weighed against administrative determinations, or what legal consequences follow from uncertainty. Second, procedural weakness amplifies substantive conflict. Where notice, evidence, transparency, and review are inadequate, even legitimate public measures become legally suspect. Third, institutional fragmentation generates uncertainty by allowing different public bodies to operate with separate maps, separate assumptions, and separate legal priorities. Fourth, evidentiary ambiguity encourages both overreach and opportunism. Public institutions may rely too heavily on technical reports that are not adequately contestable, while private actors may rely too heavily on formal title without addressing the full legal status of the land. Fifth, the absence of integrated cadastral and registration systems allows legal disputes to persist at the level of approximation instead of proof.

The solution, therefore, is comprehensive legal reconstruction rather than partial adjustment. The legal system must clarify the categories of land and ownership it recognizes, define the legal criteria for classifying public and national lands, and establish clear temporal and evidentiary standards for determining status. It must strengthen the probative value of legitimate title and longstanding possession without making either immune from lawful challenge. It must ensure that technical reports serve as evidence rather than as conclusive substitutes for adjudication. It must reform specialized commissions so that they operate within a framework of genuine due process and robust judicial review. It must integrate cadastral, registration, and land-governance records so that rights and classifications are traceable, coherent, and visible across institutions. It must adopt a proportional model of intervention that distinguishes between regulation of use, limitation of incidents of ownership, and complete displacement of title, reserving the most severe measures for cases where they are strictly justified.

A balanced legal order in this field requires a change in orientation. Instead of approaching every dispute as a contest between state authority and private resistance, the law should treat these conflicts as problems of legal alignment. Public stewardship and private ownership are not inherently incompatible. They become incompatible only when the legal system fails to define their boundaries and methods of interaction. A mature legal regime should be able to protect forests, rangelands, waterways, and other public resources without turning uncertainty into policy, and it should be able to protect ownership without permitting documentary form to defeat environmental truth or public necessity. The credibility of law depends on this balance. Citizens must be able to trust that genuine property rights will not be erased by administrative opacity, and the public must be able to trust that common and protected resources will not be lost through weak governance or fragmented institutions.

Ultimately, the most important conclusion is that property conflicts of this kind are not solved by choosing one principle and sacrificing the other. They are solved by building a legal architecture in which ownership, stewardship, proof, registration, and adjudication operate in a coherent relationship. Where that architecture is absent, disputes multiply and legal legitimacy declines. Where it is present, the law can distinguish private entitlement from public trust with enough precision to do justice in both directions. The future of land governance, therefore, depends not on diminishing either private property or public regulation, but on subjecting both to a disciplined and principled rule of law.

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Authors' Contributions

All authors equally contributed to this study.

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Transparency of Data

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References

1. Emami SH. Civil Law, Volume 1. Tehran: Eslamiyeh Publishing; 2001.
2. Jafari Langroudi MJ. Legal Terminology. Tehran: Ganj Danesh; 2010.
3. Safai SH. Civil Law: General Concepts of Property. Tehran: SAMT; 2006.
4. Locke J. Two Treatises of Government. Cambridge: Cambridge University Press; 1988.
5. Waldron J. The Right to Private Property. Oxford: Clarendon Press; 1988.
6. Sax J. The Public Trust Doctrine. Michigan Law Review. 1970;68(3):471-566.
7. Ostrom E. Governing the Commons. Cambridge: Cambridge University Press; 1990.

8. Rose CM. The Comedy of the Commons. University of Chicago Law Review. 1986;53(3):711-81.
9. Hohfeld WN. Fundamental Legal Conceptions. New Haven: Yale University Press; 1919.
10. Honore T. Ownership. Oxford Essays in Jurisprudence. Oxford: Clarendon Press; 1961.
11. Hart HLA. The Concept of Law. Oxford: Oxford University Press; 1994.
12. Ansari M. Al-Makasib. Qom: Islamic Seminary Press; 1997.
13. Yazdi SMK. Hashiyeh al-Makasib. Qom: Esmailian Press; 1900.
14. Khomeini R. Tahrir al-Wasilah. Tehran: Institute for Compilation and Publication of Imam Khomeini's Works; 2001.
15. Mousavi Bojnordi SM, Hosseini Nik SA. The Nature of Property in Islamic Law. Tehran: Research Institute Publications; 2015.
16. Al-Sadr MB. Our Economy. Beirut: Dar al-Ta'aruf; 1982.
17. Food, Agriculture O. Land Tenure Studies. Rome: 2002.
18. World B. Land Governance Assessment Framework. Washington, DC: 2010.
19. United N. Rio Declaration on Environment and Development. Rio de Janeiro: 1992.
20. Katouzian N. Property and Ownership. Tehran: Mizan Publishing; 2013.
21. Epstein RA. Takings: Private Property and the Power of Eminent Domain. Cambridge: Harvard University Press; 1985.