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The Impact of Legal Culture on the Development of Criminal Policy in the Field of Registration of Immovable Property Transactions: A Comparative Study of Iran and the European Union

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ABSTRACT

The Law Requiring the Official Registration of Immovable Property Transactions, adopted in 2024, constitutes a fundamental transformation in Iran's legal system, the primary aim of which is to combat fraudulent transactions and informal deeds. Using a descriptive-analytical method and a comparative approach, the present study examines the impact of legal culture on the formulation and implementation of criminal policies related to the registration of real estate transactions in Iran and the European Union. The findings indicate that Iran's legal culture, influenced by a person-centered registration system, Imami jurisprudence, and local customs, faces challenges such as resistance to official registration, lack of coordination among laws, and ambiguity regarding the validity of informal deeds. By contrast, the European Union, by adopting a cooperative registration approach, the Sixth Anti-Money Laundering Package, and centralized real estate registration regulations, pursues an integrated and cross-border system. This article argues that the success of criminal policies in both legal systems depends on their alignment with indigenous cultural values while simultaneously benefiting from modern smart-registration technologies and intersectoral coordination. Finally, solutions such as reconsidering the validity of informal deeds, establishing a centralized real estate information database, and developing cultural capacity are proposed.

Keywords: *legal culture, criminal policy, official registration of transactions, Law Requiring Registration, European Union.*

Introduction

A considerable portion of the cases brought before Iranian courts concerns fraud related to real estate transactions. Phenomena such as selling one property to several persons, preparing ordinary sale agreements without legal support, and pre-sale contracts lacking official registration have, in recent decades, led to the violation of households' substantial capital rights and have undermined public trust in the legal system (1). Structural disorder in the system of real estate agencies and the absence of effective oversight over the activities of unauthorized brokers have aggravated this situation to such an extent that, according to some scholars, Iran's housing market



has become one of the main contexts for the commission of economic crimes such as money laundering and organized fraud (2).

In response to these structural challenges, the Law Requiring Official Registration of Immovable Property Transactions was adopted in 2024. This law, which is the result of years of dispute between the Islamic Consultative Assembly and the Guardian Council over the validity of ordinary deeds and the limits of state intervention in private contracts, has made electronic registration mandatory for all transactions relating to buildings, real estate, and land, with the aim of organizing unofficial deeds, supervising real estate consultants, and preventing conflicting transactions (3). According to Article 1 of this law, failure to register transactions, in addition to formal enforcement guarantees such as the inadmissibility of claims seeking proof and confirmation of the transaction before courts, may lead to imprisonment or a monetary fine. Nevertheless, the numerous notes attached to this article indicate that the legislator has been fully aware of the executive complexities of this requirement and has sought to establish a balance between the obligation to register and social realities.

It is important to note that the mere enactment of a law, even one supported by strong enforcement guarantees, cannot by itself resolve the problem of unofficial transactions and real estate-related fraud. The multi-year experience of countries such as Turkey and Egypt, which have enacted similar laws, shows that the most important obstacle to the implementation of such laws is not the lack of criminal enforcement guarantees, but rather the incompatibility of criminal policy with the legal culture prevailing in society (4). In other words, as long as citizens do not trust the official registration system and prefer to conduct their transactions customarily and through ordinary sale agreements instead of referring to notarial offices, any legal obligation will encounter cultural resistance.

This reality reveals the necessity of studying the impact of legal culture on criminal policies. The central question that the present study seeks to answer is: What effect has the legal culture governing Iran and the European Union had on the development and effectiveness of criminal policies related to the registration of immovable property transactions? The selection of the European Union as the comparative legal system is important because this supranational entity, despite the remarkable cultural and legal diversity among its Member States, has managed to formulate and implement a coherent system of regulations for property registration and combating property-based money laundering. A comparative study of these two systems can provide valuable lessons for Iranian policymakers.

The novelty of the present research can be identified in three respects: first, the simultaneous analysis of the cultural, structural, and technological dimensions of criminal policies in two different legal systems; second, the use of the most recent legislative developments in the European Union, particularly the Sixth Anti-Money Laundering Package adopted in 2024, which has been reflected only minimally in Iranian legal literature; and third, the presentation of solutions that are not merely imitations of foreign models, but are instead based on domestic capacities and a precise understanding of cultural barriers.

Theoretical Framework: Legal Culture and Criminal Policy in Interaction with Each Other

Legal culture, as one of the central categories in contemporary sociology of law, refers to a set of shared attitudes, values, beliefs, and expectations within a society regarding law, legal institutions, and the adjudicatory process, which shape the way citizens interact with the legal system. Araei et al. (5), referring to Lawrence Friedman's theory, divide legal culture into two "internal" and "external" levels. The internal level includes the knowledge, attitudes, and expectations of ordinary people toward law, whereas the external level refers to the beliefs and behaviors of legal

professionals such as judges, lawyers, and notaries. Both levels directly affect the efficiency or inefficiency of the legal system, because even the most advanced laws will become ineffective texts if they lack cultural acceptance (6).

Numerous factors contribute to the formation and continuity of a society's legal culture. Among the most important of these factors are political and legal history, such as a history of colonization or independence; religious and doctrinal structures, such as the influence of Sharia in Iran's legal system; judicial traditions, such as the written or oral nature of proceedings; the level of economic development, which is directly related to the complexity of legal relations; and the educational system, which determines citizens' level of legal awareness. In societies with a history of legal colonization, legal culture is often influenced by Roman-Germanic or common-law systems, whereas in countries with a Sharia-based legal system, concepts such as justice, equity, and good faith play a central role, sometimes coming into tension with the requirements of modern official registration (6).

The most important function of legal culture is to create social cohesion and confer legitimacy on the legal system. In a society whose legal culture is based on trust in judicial institutions and respect for law, the costs of administering justice are far lower than in a society that views law as an instrument of repression or discrimination. In other words, law without a supportive legal culture is merely a rigid and inefficient text that can be enforced, at most, through coercion and compulsion rather than through persuasion and social acceptance (6).

On the other hand, criminal policy refers to the set of measures, strategies, and actions adopted by the state and relevant institutions to manage the criminal phenomenon. This concept, first theoretically formulated by von Liszt in the nineteenth century, is today divided into two main branches: crime-prevention policy, which focuses on identifying criminogenic factors and adopting non-penal measures to reduce opportunities for committing crime, and penal policy, which emphasizes the response of the criminal justice system to committed offenses, including prosecution, trial, sentencing, and enforcement of punishment (7).

It is important to note that contemporary criminal policy emphasizes non-penal prevention as the primary strategy and punishment as the last resort. In the field of real estate transaction registration, this means that crime should first be prevented by strengthening electronic registration systems, training real estate consultants, clarifying registration procedures, and reducing the costs of official registration; penal instruments such as imprisonment and monetary fines should be used only in cases of serious violations and repeated misconduct (8). This approach is rooted in the understanding that repeated resort to criminal punishments not only imposes enormous costs on the judicial system, but also, due to case congestion, practically loses its deterrent efficiency.

The relationship between legal culture and criminal policy is important because every criminal policy is inevitably designed and implemented within a specific cultural context. A criminal policy that is not aligned with the legal culture of society will encounter subtle but serious forms of resistance and will lose its effectiveness. For example, in Iranian society, where the "ordinary sale agreement" has been accepted as a long-standing customary norm and many citizens regard the preparation of an official deed as a time-consuming, costly, and cumbersome process, the mere criminalization of preparing ordinary sale agreements without creating alternative infrastructures and facilitating the official registration process will not only be ineffective, but may also lead to an increase in underground transactions, evasion of law, and deeper public distrust of the legal system (9). This is the very subtle point that the Iranian legislator has tried to address to some extent in the numerous notes to the Law Requiring Registration, although there still appears to be a considerable distance from the full realization of this cultural interaction.

Structure, Function, and Forthcoming Challenges in Iran's Law Requiring the Official Registration of Immovable Property Transactions

Theoretical Foundations and Legislative Developments

The Law Requiring the Official Registration of Immovable Property Transactions, adopted in 2024, is the outcome of more than a decade of legal debate concerning the necessity of organizing ordinary deeds and unofficial real estate transactions. The initial draft of this law was introduced in the Ninth Islamic Consultative Assembly, but due to intense disagreements between the Assembly and the Guardian Council over the validity of ordinary deeds and the limits of party autonomy vis-à-vis state requirements, it followed a complex path until it was finally adopted in 2024 after religious and legal objections had been resolved (10).

The most important innovation of this law is the creation of a comprehensive electronic registration system for all immovable property transactions. Accordingly, any transfer of ownership, transfer of usufruct, settlement, gift, mortgage, long-term lease, or any other contract or transaction that entails a change in the legal status of a property must be conducted through the electronic document-registration system and finally registered in notarial offices (11). Being aware of possible resistance, the legislator has provided a six-month period for registering previous transactions and mechanisms for facilitating the registration of existing ordinary transactions, although experts consider this period insufficient to cover the enormous volume of unregistered transactions from recent decades.

In terms of criminal enforcement guarantees, Article 24 of the law considers the failure of real estate consultants and unauthorized brokers to register transactions punishable by imprisonment for up to two years, a monetary fine of up to one billion rials, or both. Moreover, in cases where a person, with knowledge of the prior transfer of the property to another person, transfers it again to a third party, namely a conflicting transaction, the conduct may be criminally prosecuted under the titles of fraud or transfer of another person's property (12). Nevertheless, an important criticism of this law concerns the plurality of decision-making authorities and the absence of a centralized real estate information database, which remain unresolved. In other words, each notarial office operates independently and without access to information on transactions conducted in other offices. Although this problem has been reduced to some extent by the new law, it remains one of the most important obstacles to achieving full transparency in real estate transactions (13).

Executive Challenges in Confronting the Existing Legal Culture

Despite the enactment of the law and the establishment of relatively strong enforcement guarantees, its effective implementation faces numerous challenges, the most important of which must be traced to the lack of harmony between the legal obligation and the existing legal culture. The first and perhaps most important challenge is the historical trust of a significant portion of citizens in ordinary deeds and customary sale agreements. In many regions of Iran, especially in rural areas and small towns, the preparation of a sale agreement by local trusted persons or traditional real estate agencies is still regarded as a valid and acceptable practice, whereas referral to notarial offices is perceived as a time-consuming, costly, and administratively cumbersome process (9). This attitude is rooted in a culture that prefers "oral-written informality" and "personal trust" over "state formalities," and changing it requires extensive investment in cultural development and public education.

The second challenge is ambiguity in the precise definition of immovable property and the exceptions introduced into the law. Although the law explicitly subjects all transactions relating to land, buildings, and apartments to

mandatory registration, serious ambiguities exist with regard to temporary superstructures, gardens with variable land-use status, agricultural lands lacking official deeds, and properties involved in judicial disputes, which may become pretexts for circumventing the law (3). In practice, these ambiguities mean the creation of openings for the continuation of ordinary and sale-agreement-based transactions, which substantially reduces the overall efficiency of the law.

The third challenge is the high cost of official registration and the inefficiency of administrative systems. Despite the law's emphasis on facilitating the registration process, many citizens in practice complain about registration fees, transfer taxes, and notarial office charges, and consider these costs very high compared with preparing a simple sale agreement in a real estate agency. In addition, long waiting lines in some notarial offices and the need to submit numerous and sometimes repetitive documents are among other factors that push many citizens toward unofficial transactions (12).

The fourth challenge, which has a legal-jurisprudential dimension, concerns the "smart rescission" mechanism provided in the executive bylaw of Article 3 of the law. This mechanism, which allows the electronic registration system in certain predetermined cases, such as non-payment of the purchase price within the specified deadline, to rescind the transaction automatically and without the need to refer to a court, has faced serious criticism from some jurists. According to this group, removing the role of the judiciary from the rescission process conflicts with the principles of party autonomy, freedom of contract, and fair trial, and may lead to violations of property rights and an increase in disputes (13). On the other hand, supporters of this mechanism consider it a step toward modernizing the registration system and reducing judicial delays. This disagreement reflects a deeper challenge in Iran's criminal policy: the conflict between the obligation of official registration and the preservation of traditional principles of contract law.

Finally, attention must be paid to the challenge posed by the absence of integrated technological infrastructures and the lack of information exchange among executive agencies. Although the law emphasizes the "electronic registration system," in practice this system is not yet integrally connected to the databases of the State Organization for Registration of Deeds and Properties, the Tax Affairs Organization, the police, and the judiciary. This lack of integration continues to enable document forgery, the submission of false declarations, and conflicting transactions, and reduces the preventive efficiency of the law (2).

Iran's Legal Culture and Criminal Policy Regarding the Registration of Real Estate Transactions

Crime Prevention in the Context of Indigenous Culture

Iran's criminal policy in the field of real estate transaction registration has traditionally rested on two main pillars: the system of notarial offices as the authority responsible for registering transactions, and the judicial system as the authority for resolving disputes arising from unregistered transactions. With the adoption of the Law Requiring Registration in 2024, a third pillar has been added to this structure: the electronic document-registration system, which plays an intermediary role among the parties to the transaction, real estate consultants, and notarial offices (1). Nevertheless, what prevents this three-layered structure from achieving the desired level of efficiency is the absence of a coherent cultural strategy for confronting the social and cultural roots of unofficial transactions.

In the dimension of crime prevention, the most important measure taken in Iran is the obligation imposed on real estate consultants to register draft contracts in the system. According to the executive bylaw of the law, every real

estate agency is required, before preparing any sale agreement or preliminary purchase agreement, to register the draft contract in the system and obtain a tracking code. Although this mechanism is a positive step toward making the transaction process more transparent and preventing conflicting transactions, due to weak oversight of its implementation by real estate consultants' unions and the lack of effective enforcement guarantees against violators, it has so far been unable to fully replace the traditional practice of preparing handwritten sale agreements (3). Moreover, many unauthorized real estate brokers, who are not affiliated with any union and operate outside any form of supervision, do not consider themselves bound by these regulations at all.

Another preventive measure in Iran's criminal policy is the requirement of electronic identification of the parties to the transaction and the use of electronic signatures. Although this measure appears technologically advanced, in practice it faces the challenge of the "digital divide." In other words, many citizens, especially older age groups and those living in rural areas, either do not have access to smartphones and high-speed internet or do not have sufficient familiarity with electronic identification procedures and digital signatures (8). This digital divide not only obstructs the effective implementation of the law, but may also lead to the creation of a "dual market" in which wealthy and technology-literate individuals benefit from the advantages of official registration, while others remain within the sphere of unofficial and high-risk transactions.

Another noteworthy point is the influence of jurisprudential and religious beliefs on attitudes toward official registration. In Imami jurisprudence, a sale contract is concluded through verbal or even conduct-based offer and acceptance, and registration in notarial offices is not considered a condition for the validity of the transaction, but merely a means of proving it. This jurisprudential view, which is also reflected in Iran's Civil Code, Articles 338 to 349, has in practice reinforced the public belief that "ordinary sale agreements are valid" and that "official deeds are useful only for proof in court." Changing this deeply rooted belief requires measures beyond the enactment of laws and the imposition of punishments; it requires reconsidering some jurisprudential concepts or at least providing a new interpretation of them that is compatible with the needs of contemporary society (9). Until such a transformation occurs, any criminal policy based on mandatory official registration will encounter cultural resistance.

The Effectiveness or Symbolic Nature of Penal Responses in Repression and Punishment

In the dimension of repression and punishment, Iran's criminal policy faces two serious paradoxes. The first is the quantitative increase in punishments alongside the decline in their deterrent effectiveness. The Law Requiring Registration provides for imprisonment of up to two years and a monetary fine of up to one billion rials for violators; however, in practice, due to case congestion in courts, the lengthiness of proceedings, and the possibility of using leniency institutions such as suspension of punishment and conditional release, many offenders, especially non-professional offenders involved in ordinary transactions, never experience actual punishment (2). This situation weakens specific deterrence on the one hand and, on the other, reinforces the public belief that "legal punishments look good only on paper."

The second paradox is the excessive focus on punishing petty offenders while neglecting organized offenders. An examination of judicial cases shows that most individuals prosecuted on charges of fraud and conflicting transactions are people with medium or low income who have committed a violation in a specific transaction. In contrast, organized money-laundering networks that use sham real estate transactions to introduce illicit funds into the formal economy are less frequently caught by the justice system due to the complexity of their crimes, their high

financial capacity to benefit from skilled lawyers, and sometimes their influence within executive agencies (8). This situation, which may be called “dual criminal justice,” gradually erodes public trust in the criminal justice system.

In addition, the process of restitution of crime-derived assets in Iran’s judicial system is marked by considerable slowness and complexity. Victims of real estate fraud, even after the crime has been proven and the accused convicted, wait months and years for the restitution of their property, and in many cases, because the property has been sold to bona fide third parties or because the convicted person lacks sufficient assets, they never attain their rights (12). This inefficiency at the stage of judgment enforcement can create a deep sense of injustice among victims and push them toward self-help measures or distrust of the judicial system.

Overall, it can be said that Iran’s criminal policy in the field of real estate transaction registration has made significant progress at the legislative level, but at the level of implementation and in light of the prevailing legal culture, it still faces numerous challenges. The most important lesson for policymakers is the necessity of paying attention to cultural prevention and institutional empowerment before resorting to penal instruments. In other words, as long as citizens do not regard official registration as an internalized value and responsible institutions do not possess the capacity to implement the law effectively, increasing punishments and expanding the scope of the law alone cannot resolve the problem of unofficial transactions and real estate fraud.

The European Union’s Criminal Policy Regarding the Registration of Real Estate Transactions: A Supranational and Preventive Approach

Legal and Institutional Foundations of the Real Estate Registration System in the European Union

In contrast to Iran’s legal system, the European Union has adopted a completely different approach. The fundamental difference arises from the fact that the European Union, as a supranational entity, does not have direct competence to enact civil and criminal laws for Member States; however, through directives and regulations, it can establish binding frameworks that Member States are required to implement (14). In the field of real estate transaction registration, the most important legal instrument is the Brussels I Regulation, Regulation No. 1215/2012, which determines rules on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. According to this regulation, if a real estate transaction is declared void in one Member State due to fraud or document forgery, that judgment can also be recognized and enforced in other Member States.

However, the most important development in recent years has been the adoption of the Sixth Anti-Money Laundering Package in 2024, which focuses specifically on real estate transactions. This package obliges Member States to establish and update centralized beneficial ownership registration systems for all legal persons that own real estate (15). In other words, it is no longer sufficient for the buyer’s name to appear in the official deed; rather, it must be determined which natural person stands behind the legal person and exercises actual control over the property. This measure is a direct response to the phenomenon of purchasing real estate through shell companies or trusts in which actual ownership remains hidden.

An important point is the difference among the notarial systems of European Union Member States. In general, European legal systems can be divided into two categories: the Latin system, which operates in France, Germany, Italy, Spain, and Belgium, where notaries play an active role in preparing deeds and guaranteeing the validity of transactions; and the Anglo-Saxon system, which operates in the United Kingdom, Ireland, and Northern European countries, where the role of notaries is more limited and property registration is mainly carried out by the parties themselves or by their lawyers (16). Despite this diversity, what links the Member States together is their

commitment to transparency, mutual recognition of official deeds, and information exchange concerning cross-border transactions. This coordination has been largely achieved through the creation of connected databases and electronic information-exchange systems. The legal culture prevailing in the European Union, unlike Iran, is based on trust in public institutions and acceptance of official registration as an unavoidable norm. This attitude is rooted in Europe's legal history, which has gradually created and developed land-registration systems since the nineteenth century. In such a context, citizens naturally expect every real estate transaction to be registered in official registries, and ordinary sale agreements lack sufficient validity to prove ownership against third parties (4). This fundamental difference in legal culture may be the most important factor explaining the relative success of the European Union's criminal policies compared with Iran's challenges.

Preventive and Repressive Strategies in the European System

The European Union's criminal policy in the field of real estate transaction registration is strongly inclined toward situational prevention and deterrence through transparency rather than mere penal repression. The most important preventive strategies are as follows:

First, all real estate transactions must be registered in national electronic systems that are interconnected. These systems store not only ownership information, but also transaction history, tax debts, easement rights, and any legal restrictions related to the property (4). Before purchasing a property, any person can refer to this system and become aware of the legal status of the property, thereby minimizing the risk of conflicting transactions or transfer of another person's property. In some advanced countries such as Sweden and Finland, these systems are updated in real time, and even third-party inquiries can be made online and immediately.

Second, notarial offices and real estate consultants are required to report suspicious transactions. Under the Sixth Anti-Money Laundering Directive, all professionals involved in real estate transactions, including notaries, lawyers, real estate consultants, and accountants, are required to immediately report any transaction suspected of money laundering or terrorist financing to the national financial intelligence unit (15). Failure to report is itself considered an independent offense and may lead to severe punishments, including revocation of the professional license and imprisonment. This requirement creates a form of collective supervision over real estate transactions in which each professional acts as the "eyes and arms" of the criminal justice system.

Third, judicial proceedings must be accelerated and adjudication of real estate crimes must be specialized. In many Member States, specialized courts have been established to handle disputes and crimes related to property registration. These courts, by benefiting from specialized judges and registration experts, accelerate proceedings and prevent judicial delay (4). Moreover, in cases where fraud through real estate transactions is proven, rapid restitution of assets and even annulment of the transaction in favor of the victim may be possible, even if the property has been transferred to a bona fide third party. This approach prioritizes effective support for victims.

Fourth, cross-border police and judicial cooperation through institutions such as Eurojust and Europol is essential. Given that many real estate frauds have cross-border dimensions, for example where a person buys property in Spain, obtains a loan from a bank in Germany, and launders illicit funds through a company in Luxembourg, judicial cooperation among Member States is vital. European Union regulations have facilitated the extradition of offenders, the transfer of judicial cases, and the enforcement of criminal judgments throughout the territory of the Union (14). Nevertheless, the European Union's criminal policy is not without challenges. The most important criticism concerns the diversity of punishments and judicial practices among Member States. Although

European Union directives set minimum standards, Member States have discretion in determining specific punishments and how they are enforced. This diversity may lead to “forum shopping,” meaning that offenders conduct their transactions in a country where punishments are lighter (15). In addition, some Member States have acted slowly in creating and updating centralized beneficial ownership registration systems, and the European Commission has had to initiate infringement proceedings against several countries. Another point is the conflict between transparency requirements and privacy rights. Registering beneficial ownership information and making it accessible to the public, which is done in some countries, may be considered a violation of individuals’ privacy under the General Data Protection Regulation. In its recent judgment, Case C-817/19, issued in 2022, the Court of Justice of the European Union limited public access to beneficial ownership registers and permitted it only for persons with a “legitimate interest” (13). This approach establishes a balance between transparency and privacy that may also serve as a model for Iran’s legal system.

Comparative Analysis and Lessons from the European Union’s Experiences

A comparison of Iran’s and the European Union’s criminal policies in the field of real estate transaction registration reveals significant points of convergence and divergence. At the level of convergence, both systems emphasize the necessity of official transaction registration, combating document forgery and fraud, and making the process of ownership transfer transparent. Moreover, in both systems, notarial offices play a central role, and failure to register transactions entails legal and criminal consequences. Nevertheless, the differences are so deep and fundamental that one may speak of “two distinct paradigms” in the criminal policy of property registration.

The first and most important difference lies in the level of integration and coordination of the registration system. Despite having 27 Member States with diverse legal systems, the European Union has managed, through directives and regulations, to create a relatively integrated framework in which national registration systems are connected and information is exchanged in real time. In contrast, despite political and legal unity in Iran, registration systems have not yet achieved full integration, and information exchange among the Registration Organization, the judiciary, the police, and the Tax Affairs Organization remains slow and flawed. This difference is rooted in the absence of technological infrastructures and institutional incoherence in Iran (3).

The second difference concerns the approach to crime prevention. In the European Union, prevention is designed through transparency and access to information. Any person can inquire into the legal status of a property, its transaction history, and the identity of its real owner before entering into a transaction. This transparency greatly reduces opportunities for committing crime, because deceiving a buyer about property ownership or the existence of third-party rights becomes almost impossible. In contrast, although Iran’s Law Requiring Registration has taken a major step toward transparency, public inquiry systems are still not highly developed, and much registration information is either not accessible to the public or access to it requires time-consuming administrative procedures. This situation continues to provide opportunities for fraudsters to deceive buyers by presenting false information (12).

The third difference lies in the role and status of real estate consultants. In the European system, real estate consultants are among the most professional and regulated persons in the transaction chain. They are required to comply with professional standards; in the event of violations, their licenses are revoked; and they may even incur criminal and civil liability. In contrast, in Iran, before the adoption of the new law, the system of real estate consultants effectively lacked adequate supervision, and many real estate agencies were run by individuals who

had neither legal expertise nor professional accountability. The new law has attempted to fill this gap, but changing long-standing practices requires time and continuous oversight (2).

The fourth difference concerns attitudes toward criminal punishments. In the European Union, punishments are mainly financial and administrative in nature, including heavy fines, revocation of licenses, and prohibition from professional activity, while imprisonment is mostly provided for organized crimes and large-scale money laundering. In contrast, the Iranian legislator is more inclined to use imprisonment, although in practice, due to case congestion and limited prison capacity, the effective enforcement of imprisonment faces difficulties (8). It may be said that the European approach is more realistic: financial and professional punishments impose lower costs on the criminal justice system and, because they directly affect the offender's livelihood and professional reputation, create strong deterrence.

The fifth difference concerns the cultural and historical dimension. In Europe, the official real estate registration system has a history of more than two centuries and has gradually become part of social norms. In contrast, in Iran, official property registration in its modern form does not have such a long history, and the custom of preparing ordinary sale agreements still has deep roots in popular culture (9). This difference means that, in order to reach the level of social acceptance that exists in Europe, Iran requires extensive investment in cultural development and public education, not merely the enactment of strict laws.

Conclusion and Policy Solutions

This study showed that legal culture, as a set of shared attitudes, values, and beliefs toward law and legal institutions, has a profound and undeniable impact on the formulation and implementation of criminal policies in the field of real estate transaction registration. In Iran, the legal culture, influenced by Imami jurisprudence, local customs, and a person-based registration system, faces challenges such as historical trust in ordinary sale agreements, resistance to administrative formalities, ambiguity in the validity of ordinary deeds, and the plurality of decision-making authorities. These challenges have created serious obstacles to the implementation of the Law Requiring the Official Registration of Immovable Property Transactions and have reduced its deterrent efficiency.

In contrast, despite the remarkable diversity of the legal systems of its Member States, the European Union has managed to design and implement a relatively integrated and preventive approach through supranational directives and regulations. The most important features of this approach include full transparency of registration information, the connection of national systems to one another, the obligation to report suspicious transactions, specialization of judicial proceedings, cross-border police and judicial cooperation, and emphasis on financial and professional punishments instead of short-term and ineffective imprisonment. Although this approach is not without challenges, including diversity in punishments among Member States and the tension between transparency and privacy, it has generally been more successful than a merely repressive approach.

Based on the findings of this study, the following solutions are proposed to improve Iran's criminal policy in the field of real estate transaction registration:

First, the validity of ordinary deeds should be reconsidered while respecting jurisprudential principles. Instead of declaring all ordinary sale agreements absolutely void, which conflicts with Imami jurisprudence and provisions of the Civil Code, their validity can be limited to relations between the parties to the transaction, while official registration can be made mandatory against third parties and for the transfer of ownership. This approach, which

has also been adopted in the law of some Arab countries such as Egypt and Tunisia, can create a balance between respect for party autonomy and the need for transparency and transactional security (3).

Second, a centralized real estate information database with public inquiry capability should be established. This database should store all transactions conducted in relation to each property, third-party rights such as mortgages, long-term leases, and easements, tax debts, and related judicial history, while providing citizens with easy and inexpensive access to this information. The experience of European countries shows that information transparency is the most effective strategy for preventing real estate fraud.

Third, cultural capacity-building should be pursued through mass media and the educational system. Changing attitudes toward ordinary sale agreements and promoting a culture of official registration require a national and continuous campaign. Broadcasting media, newspapers, social networks, and messaging channels can educate citizens about the risks of unofficial transactions and the advantages of official registration by producing attractive and comprehensible content. Moreover, basic concepts of real estate registration law should be incorporated into the national educational system, from primary school to university, so that the next generation becomes familiar with and accustomed to these norms.

Fourth, oversight of real estate consultants should be strengthened and their profession should be professionalized. The new law has taken an important step in this regard, but oversight of implementation and effective punishment of violators are the key to success. It is proposed that a "Real Estate Consultants' Professional Organization" be established with broad supervisory and disciplinary powers, and that entry into this profession be made conditional upon completing specialized legal training courses and obtaining a certificate of professional competence.

Fifth, alternatives to imprisonment should be used. Considering the disadvantages of short-term imprisonment, including prison overcrowding, high costs, and the negative effects of criminal learning, it is proposed that the legislator use monetary fines proportionate to the value of the transaction, suspension of business licenses, unpaid public service, and formal warnings instead of imprisonment for non-violent offenses related to property registration, such as preparing an ordinary sale agreement without registering it in the system. These punishments are more deterrent and impose lower financial and social burdens on the criminal justice system.

Sixth, registration systems should be technologically integrated and updated. The electronic document-registration system should be connected to the databases of the Registration Organization, the judiciary, the police, the Tax Affairs Organization, municipalities, and the union of real estate consultants so that information exchange can take place automatically and in real time. In addition, the use of modern technologies such as blockchain for immutable transaction registration and artificial intelligence for identifying suspicious patterns can constitute the next step in transforming Iran's registration system.

Finally, it must be emphasized that transforming the registration system and the criminal policy associated with it is a gradual and multidimensional process that requires close cooperation among the legislator, the executive branch, the judiciary, professional institutions, and citizens. The Law Requiring the Official Registration of Immovable Property Transactions is a powerful and promising beginning; however, without attention to cultural, educational, and technological dimensions, it cannot by itself resolve the long-standing problem of unofficial transactions and real estate fraud. What is most necessary is sustained political will and public participation in realizing a new generation of registration system in which official registration is regarded not as an imposed obligation, but as an internalized value and an unquestioned social norm.

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Authors' Contributions

All authors equally contributed to this study.

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The authors of this article declared no conflict of interest.

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In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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