An Examination of the Offense of Unlawful Occupation of National Lands in Iran and England

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Abstract

The unlawful occupation of and encroachment upon national and public lands, particularly forests, rangelands, and other natural resources, constitute some of the most significant legal and enforcement challenges in the protection of public property and land management. In Iran, the legislature has sought to address this phenomenon through the direct criminalization of the unlawful occupation of national lands and the establishment of criminal sanctions. Nevertheless, the persistence of unlawful occupations and the complexity of adjudicatory procedures have called the effectiveness of this approach into question. The present study aims to comparatively analyze the criminal policy and legal mechanisms adopted to combat the unlawful occupation of land in Iran and England. In terms of purpose, this is an applied study, and methodologically it employs a descriptive-analytical design with a comparative approach. Data were collected through library and documentary research involving the examination of legislation, judicial practice, legislative documents, and scholarly sources. The findings indicate that, within the Iranian legal system, the protection of national lands is primarily based on direct criminalization, and the establishment of criminal liability requires proof of the land's national status, demonstration of the act of unlawful occupation, and establishment of the offender's criminal intent. By contrast, the English legal system employs a combination of criminal, enforcement, and administrative mechanisms to address unlawful occupation of land and, depending on the nature of the conduct involved, relies on rules governing unlawful occupation, trespass, criminal damage, fraud in land transactions, and the enforcement powers of public authorities. The results demonstrate that the principal difference between the two legal systems does not lie in the extent of legal protection afforded to land, but rather in the manner in which legal and enforcement responses to encroaching conduct are organized. According to the findings, the effectiveness of measures against unlawful occupation of land depends less on the severity of punishment than on the promptness of intervention, the certainty of enforcement of legal decisions, and coordination among the responsible institutions. Accordingly, reforming Iran's criminal policy by strengthening enforcement mechanisms, reducing the complexity of adjudicatory procedures, and adopting an integrated criminal-enforcement model could enhance the effectiveness of the protection afforded to national and public lands.

Keywords: National lands, unlawful occupation of land, criminal policy, comparative law, enforcement mechanisms

Received: 31 May 2026
Revised: 22 August 2026
Accepted: 29 August 2026
Published: 01 November 2026

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Citation: Salmanpour, A., & Gholipour, S. (2026). An Examination of the Offense of Unlawful Occupation of National Lands in Iran and England. *Legal Studies in Digital Age,* 5(5), 1-13.

1. Introduction

Land and natural resources are among the most important public assets of any country, and their protection plays a fundamental role in sustainable development, economic security, environmental conservation, and safeguarding the interests of present and future generations. In Iran, a substantial proportion of these resources has been classified as national lands under state ownership and protection, and the legislature has enacted numerous regulations aimed at safeguarding these public assets. Nevertheless, in recent decades, the unauthorized occupation of national lands, unlawful land-use conversion, land grabbing, and exploitation contrary to statutory requirements have become some of the country's most significant legal and enforcement challenges. In addition to causing damage to natural resources and public lands, these practices have led to an increase in litigation, administrative disputes, and substantial costs imposed on the state (Abbasi, 2016). The importance of protecting national lands prompted the Iranian legislature to adopt an interventionist policy beginning in the early 1960s. The enactment of the Nationalization of Forests and Rangelands Act of 1962 may be regarded as a turning point in the Iranian legal system, because from that time onward, extensive areas of forests, rangelands, and natural lands were classified as public property, with the state assuming responsibility for their protection and preservation. Subsequently, various statutes, including the Forests and Rangelands Protection and Exploitation Act of 1967, the Preservation of Use of Agricultural Lands and Gardens Act of 1995 and its subsequent amendments, as well as other related regulations, further developed the legal and criminal framework for the protection of national lands (Abbasi et al., 2022; Kiomarsi, 2025).

Alongside the development of statutory regulations, one of the fundamental issues concerning national lands is the manner in which such lands are identified and classified, as well as the procedures for adjudicating objections lodged by individuals against decisions of governmental authorities. On the one hand, the need to preserve natural resources requires that any unauthorized occupation, destruction, or exploitation be met with an effective legal response; on the other hand, respect for private property rights and guarantees of a fair trial require that the processes for determining the national status of land and resolving related disputes be sufficiently transparent and accurate. For this reason, some scholars have emphasized, in addition to strengthening criminal sanctions, the necessity of coordination among institutions responsible for land administration and the establishment of coherent management mechanisms (Davari, 2012). From a criminological perspective, the occupation of national lands is not merely a legal or administrative violation; rather, it is a multidimensional phenomenon shaped by economic, social, managerial, and legal factors. The increasing economic value of land, inadequate supervision, regulatory complexity, overlapping or conflicting jurisdiction among executive agencies, and the misuse of certain legal and jurisprudential institutions are among the factors facilitating the commission of such offenses (Abbasi, 2016; Jaymand, 2025).

In English law, the unauthorized occupation and encroachment upon land have likewise been addressed through concepts such as *illegal occupation of land* and *encroachment*. Although the structure of land ownership and the mechanisms for protecting land in English law differ fundamentally from those in Iranian law, the unauthorized occupation of land and infringement of lawful boundaries governing land use may result in intervention by administrative authorities, the police, and the courts. In recent years, the English legislature has amended rules concerning unauthorized occupation and unauthorized encampments, granting broader powers for removing occupiers and preventing the continuation of unlawful occupation. In particular, the provisions of the Criminal Justice and Public Order Act 1994 and the Police, Crime, Sentencing and Courts Act 2022 provide an important legal framework for addressing unlawful occupation of land and certain forms of trespass involving public land (Cowan & Carr, 2022).

Studies in the field of criminal policy indicate that the protection of public lands and responses to unauthorized occupation in different legal systems are shaped by divergent foundations concerning property, state intervention, and the philosophy of criminalization (Ashworth & Horder, 2013; Duff, 2018). Accordingly, comparing the Iranian legal system, which primarily seeks to protect national lands through criminalization and criminal sanctions, with the English legal system, which relies to a greater extent on administrative, enforcement, and civil mechanisms in the area of unauthorized land occupation, may facilitate the identification of the strengths and weaknesses of each approach and contribute to the development of reform proposals for

strengthening the protection of national lands. Despite the growing body of domestic research on land grabbing, unlawful dispossession, unauthorized land-use conversion, and the protection of natural resources, comparative studies specifically focused on the offense of occupation of national lands in Iranian and English law remain limited. Most existing studies have concentrated either on domestic legislation or on criminological analyses of land grabbing, while comparatively little attention has been devoted to a systematic comparison of the foundations of criminalization, the constituent elements of the offense, and the criminal policies of the two legal systems (Abbasi et al., 2022; Mehri, 2020). Accordingly, employing a descriptive-analytical method and a comparative approach, the present study examines the legal foundations, constituent elements of the offense, and criminal policy governing the occupation of national lands in Iranian law, together with the corresponding rules concerning unauthorized occupation and possession of land in English law. The principal research question is: What approaches have the Iranian and English legal systems adopted toward combating unauthorized occupation and possession of land, and what are their principal similarities and differences with respect to criminalization, sanctions, and enforcement mechanisms?

2. Literature Review

The offense of occupying national and public lands is an important subject within criminal law, public law, and natural resources law that has attracted increasing attention from domestic and international scholars in recent years. A review of the literature indicates that existing studies may be classified into three principal categories: studies addressing the legal and legislative foundations for the protection of national lands, criminological and criminal policy studies, and comparative research concerning the protection of public lands. With respect to legal and legislative foundations, Katouzian, in explaining the foundations of ownership in Iranian law, considers the protection of national lands to be based on state authority over *anfal* and natural resources and argues that encroachment upon such lands entails both civil and criminal consequences (Katouzian, 2001). Abbasi et al. have likewise demonstrated, through an examination of legislative developments before and after the Islamic Revolution, that the protection of national lands in Iran has gradually moved away from a purely administrative approach toward extensive reliance on criminal law instruments and active state intervention (Abbasi et al., 2022).

Another body of scholarship has examined the criminological dimensions of and factors contributing to the expansion of unlawful land occupation. Abbasi identifies such factors as increasing land values, weak coordination among responsible institutions, ineffective supervisory mechanisms, and inadequate enforcement of legislation as among the principal conditions facilitating this offense (Abbasi, 2016). Jaymand, adopting a criminological perspective, similarly regards the occupation and destruction of state-owned lands as the product of interactions among economic, managerial, and legal factors, emphasizing the role of legislative gaps, inadequate administrative supervision, and administrative corruption in the proliferation of this phenomenon (Jaymand, 2025). In the same vein, Mahdavi and Yazdani identify land grabbing as one of the most significant forms of encroachment upon public lands and consider the adoption of preventive measures alongside criminal responses to be essential (Mahdavi & Yazdani, 2011). Davari also identifies fragmented legislation, the multiplicity of competent authorities, and difficulties in enforcing judgments as major obstacles to effectively combating offenses against natural resources (Davari, 2012). Collectively, these studies indicate that unlawful occupation of national lands cannot be addressed merely through increased severity of punishment and that reforms to supervisory, administrative, and land registration structures are also required.

Within the comparative literature, Mehri, in comparing Iranian and English law, demonstrates that both legal systems protect property and public interests, while differing in the foundations of such protection and in the manner of state intervention (Mehri, 2020). Mahrokh and Babaei, in their comparative study of unlawful possession in Iranian and English law, likewise identify significant differences in the elements of liability, forms of legal protection, and procedural mechanisms available in the two systems (Mahrokh & Babaei, 2025).

International scholarship has also devoted considerable attention to the protection of public lands and responses to unlawful occupation. Ellickson demonstrates that a substantial proportion of disputes concerning land possession in common-law systems are resolved through civil and informal mechanisms and that criminal law plays a comparatively more limited role (Ellickson, 1991). Rose, through her discussion of publicly held resources, analyzes the state's responsibility to safeguard such

resources on the basis of broader public obligations (Rose, 1986). Studies of English land law also indicate that one of the principal challenges in this field concerns the relationship between formally registered ownership and forms of non-owner possession, while the doctrine of adverse possession continues to retain a significant, albeit legally restricted, position within the system (Gray & Gray, 2011).

Merrill and Smith subsequently characterize the structure of property law in common-law systems as involving a differentiated set of legally protected incidents and interests, a feature that contributes to the diversity of mechanisms available for protecting property and controlling unauthorized possession (Merrill & Smith, 2017).

Ashworth, in analyzing English criminal law and criminalization policy, indicates that, unlike certain legal systems, English law does not recognize an independent criminal offense specifically designated as the "occupation of national lands"; conduct involving interference with land may instead fall within dispersed offenses concerning fraud, criminal damage, and property-related wrongdoing (Ashworth & Horder, 2013). A number of international studies have also examined contemporary forms of encroachment upon public land. Wily, Wisborg, and Özsu demonstrate that the unlawful acquisition of public land is not limited to physical occupation but may also involve document falsification, manipulation of administrative procedures, deficiencies in land registration systems, and exploitation of legal gaps as mechanisms for unlawfully transferring public land to private actors (Özsu, 2019; Wily, 2013; Wisborg, 2013). Palmer and Yang and He similarly highlight administrative corruption and collusion between public officials and private actors as important factors in encroachment upon public land (Palmer et al., 2000; Yang & He, 2021). Furthermore, scholarship on preventive criminal policy emphasizes the importance of preventive strategies and risk management alongside criminal sanctions (Duff, 2020). Gray and Gray also describe English land law as a multilayered system combining civil, registration, and administrative rules, within which no single criminal offense specifically governs the occupation of public land (Gray & Gray, 2011). Overall, although a limited number of studies have compared particular aspects of unlawful possession or property-related offenses in Iranian and English law, no study was identified that simultaneously and systematically compares criminal policy, the foundations of criminalization, the elements of criminal liability, and enforcement mechanisms for combating the occupation of national lands in the two legal systems.

3. Theoretical Foundations

3.1. National Lands and Their Status in Iranian Law

Pursuant to Article 1 of the Nationalization of Forests and Rangelands Act of 1962, the land and appurtenances of all forests, rangelands, natural thickets, and forest lands are deemed public property belonging to the state. Article 45 of the Constitution likewise classifies forests, rangelands, and other public wealth as *anfal*. In Iranian law, national lands therefore refer to those natural resources and lands that are not privately owned and that the legislature has classified as public property (Abbasi et al., 2022). Under Article 1 of the Nationalization of Forests and Rangelands Act, from the date of enactment of that legislation, the land and appurtenances of all forests, rangelands, natural thickets, and forest lands were classified as public property and recognized as belonging to the state (Abbasi et al., 2022). In addition, Article 45 of the Constitution of the Islamic Republic of Iran classifies forests, rangelands, uncultivated lands, and other forms of public wealth as *anfal* and places their administration under the authority of the Islamic government for the purpose of advancing the public interest (Kiomarsi, 2025). Accordingly, unlawful occupation of national lands is not merely an infringement of state property but also constitutes an encroachment upon public property and collective interests (Katouzian, 2001). Furthermore, given the intergenerational nature of natural resources, the protection of national lands is directly related to sustainable development and the preservation of the rights of future generations (Moradvand & Habibi Tabar, 2022).

3.2. Unlawful Possession of National Lands

In Iranian law, the principal legal basis for combating unauthorized occupation of national lands is Article 690 of the Islamic Penal Code (Book Five: *Ta'zirat*). Under this provision, acts of occupation, interference, obstruction of rights, encroachment, wall construction, foundation excavation, tree planting, cultivation, building construction, or any other act undertaken for the

purpose of occupying or representing oneself or another as entitled to national lands, forests, rangelands, natural resources, or other public property constitute a criminal offense. Certain provisions of the Forests and Rangelands Protection and Exploitation Act likewise criminalize conduct involving encroachment upon and unauthorized exploitation of natural resources. Accordingly, unlawful occupation of national lands may be defined as a person's material and unlawful control over national lands or natural resources owned by or subject to the authority of the state, undertaken without lawful authorization and contrary to statutory provisions. Such conduct may take the form of direct physical occupation, construction of structures, alteration of land boundaries, unauthorized exploitation, or other acts demonstrating possession. Where the offender's conduct involves force, threats, or coercion, the severity of the infringement upon public rights is increased and may affect the criminal assessment and determination of the applicable sanction (Jaymand, 2025; Kiomarsi, 2025).

3.3. Property Rights Theory

Property rights theory is based on the proposition that the clearer, more registrable, and more certain property rights are, the fewer disputes arise and the more efficient the allocation of resources becomes (Cai et al., 2020). In Iran, by contrast, incomplete implementation of the cadastre and inconsistencies among land-registration data contribute to greater uncertainty and prolonged litigation (Mohammad et al., 2023). One of the factors contributing to disputes and offenses involving national lands is uncertainty concerning ownership status and the absence of an integrated system for recording land information. Where land boundaries and characteristics have not been precisely registered, the likelihood of conflict among ownership claims, physical possession, and existing title documents increases. Accordingly, through the enactment of the Comprehensive Cadastre Act of 2014, the legislature sought to establish a comprehensive system for recording and stabilizing the spatial and legal information associated with real property. Under this Act and Articles 22, 46, 47, and 48 of the Registration of Deeds and Properties Act, identifying the registered owner and precisely determining property boundaries constitute important mechanisms for preventing ownership disputes and unlawful occupation of national lands.

3.4. Public Trust Doctrine

The Public Trust Doctrine conceptualizes the state as trustee of public resources and imposes upon it a duty to preserve such resources in the interests of the public and future generations (Blumm & Wood, 2021). Although this terminology is not expressly employed in Iranian law, its underlying rationale may be identified in Article 45 of the Constitution, which places *anfal* and public wealth under governmental authority for the purpose of advancing the public interest (Kiomarsi, 2025). The Nationalization of Forests and Rangelands Act likewise emphasizes the public protection of natural resources (Abbasi et al., 2022). From this perspective, occupation of national lands does not merely constitute interference with state ownership but also infringes public interests and the rights of future generations.

3.5. Minimalist Theory of Criminalization

The minimalist theory of criminalization is based on the proposition that criminal law should constitute the state's instrument of last resort and should be employed only when civil and administrative sanctions are inadequate (Duff, 2020). In Iranian law, the legislature has accorded criminal status to many forms of conduct associated with land occupation. For example, Article 690 of the Islamic Penal Code (Book Five: *Ta'zirat*) criminalizes unlawful possession, interference, obstruction of rights, and encroachment upon land and natural resources (Kiomarsi, 2025). By contrast, in English law, a substantial proportion of disputes concerning possession of land are initially managed through civil and administrative mechanisms and acquire a criminal dimension only under specified circumstances (Fox, 2002).

3.6. Economic Analysis of Crime

According to the economic theory of crime, individuals compare the anticipated benefits and expected costs before committing an offense. In the context of unlawful occupation of national lands, the cost of offending is not determined solely

by the severity of punishment; the probability of detection, speed of adjudication, and certainty of enforcement are equally decisive (Becker, 1968). Through the criminalization of unlawful occupation of national lands under Article 690 of the Islamic Penal Code and the provision of criminal sanctions, the Iranian legislature has sought to increase the expected cost of such conduct (Kiomarsi, 2025). Nevertheless, studies indicate that deficiencies in the prompt detection of encroachments and prolonged adjudicatory processes may undermine the effectiveness of this policy (Cowan & Carr, 2022).

3.7. The Role of the Cadastre

Under Article 1 of the Comprehensive Cadastre Act of 2014, the cadastre is a comprehensive system for registering, maintaining, and managing spatial and legal information concerning property and land (Farhang & Montahaei, 2020). Under this legislation, the purpose of cadastral registration is to enhance transparency regarding ownership status, accurately determine property boundaries, and prevent registration conflicts (Farhang & Montahaei, 2020). In the context of national lands, accurate cadastral implementation establishes the boundaries of state and public lands and reduces opportunities for document forgery, registration conflicts, and unlawful occupation (Mohammad et al., 2023). Accordingly, the cadastre is not merely a technical instrument; rather, it constitutes one of the most important legal mechanisms for preventing land grabbing and offenses involving national lands (Farhang & Montahaei, 2020).

3.8. Criminalization of the Occupation of National Lands in Iranian Law

In Iranian law, criminal protection of national lands and natural resources has been expressly and directly recognized by the legislature. The principal legal basis in this regard is Article 690 of the Islamic Penal Code (Book Five: *Ta'zirat*). Pursuant to this provision, any person who, through fabricated indications of possession, wall construction, foundation excavation, tree planting, cultivation, construction of buildings, or any other act, occupies, interferes with, or obstructs rights concerning national lands, natural resources, forests, rangelands, mountainous areas, riverbeds, or other public property is subject not only to removal from possession but also to the prescribed criminal punishment. In addition to Article 690, the Forests and Rangelands Protection and Exploitation Act of 1967 criminalizes certain forms of conduct involving encroachment upon natural resources. Furthermore, where national lands are acquired through document forgery, use of forged documents, or fraudulent means, the provisions concerning forgery, use of forged documents, and fraud may also apply. Thus, Iranian criminal policy concerning national lands is characterized by broad criminalization, direct intervention by criminal law, and extensive protection of public ownership (Abbasi et al., 2022; Kiomarsi, 2025).

3.9. Criminalization of the Occupation of Public Lands in English Law

Unlike Iranian law, English law does not recognize an independent offense designated as the “occupation of national lands,” because it does not employ a concept directly equivalent to “national lands” as understood in Iranian law. Nevertheless, state-owned and public lands, including Crown land and other forms of public land, are protected through a combination of civil, administrative, and criminal mechanisms. Where a person occupies such land without authorization, the competent authorities may employ legal instruments such as court orders and compulsory eviction mechanisms to terminate the occupation. Where the occupation involves fraud, false information, or the fraudulent acquisition of proprietary interests or benefits, the Fraud Act 2006 may apply. Furthermore, destruction of or damage to property and infrastructure located on public land may attract sanctions under the Criminal Damage Act 1971. In addition, where unauthorized occupation involves construction or physical alterations contrary to land-use planning requirements, local authorities may exercise their powers under the Town and Country Planning Act 1990 to issue stop notices, require demolition, or undertake other enforcement measures. Accordingly, the English approach to the unlawful occupation of public land does not rest upon the independent criminalization of the conduct itself but instead employs a combination of civil, administrative, and criminal instruments to protect such land.

3.10. Comparison of Iranian and English Criminal Policies toward Land Occupation

Comparative analysis demonstrates that Iranian and English criminal policies concerning the occupation of public lands are founded on different principles and approaches. In Iranian law, the legislature has adopted an interventionist approach by directly criminalizing unauthorized occupation of national and public lands. Under Article 690 of the Islamic Penal Code, conduct such as occupation, encroachment, wall construction, foundation excavation, and building construction on such lands may give rise to criminal liability. The purpose of this policy is to provide extensive protection for natural resources and public lands through criminal sanctions. By contrast, English law is more closely aligned with the principle of minimal criminal intervention, and in most cases occupation of public land is initially addressed through civil and administrative mechanisms. Criminal intervention generally arises where the conduct is accompanied by additional elements such as fraud, false representation, or fraudulent acquisition of benefits, in which case the Fraud Act 2006 may apply. Likewise, where occupation is accompanied by destruction or damage to public property or infrastructure, the sanctions provided under the Criminal Damage Act 1971 may be invoked.

There are also clear differences between the two legal systems regarding the conditions required for conduct to acquire a criminal character. In Iranian law, unauthorized occupation itself may constitute a basis for criminal liability, whereas in English law supplementary conduct such as fraud, criminal damage, or breach of particular statutory rules is generally required to justify criminal intervention. The systems also differ in terms of their preferred legal responses. Iranian law places greater emphasis on criminal punishment and demolition or removal of structures resulting from occupation, whereas English law gives priority to terminating possession, evicting occupiers, and restoring the previous situation through civil and administrative instruments. Moreover, encroachment upon national or public land may occur through indirect methods in addition to physical occupation, including obtaining title deeds unlawfully, using forged documents, initiating sham litigation to establish private exceptions to national classification, fraudulently transferring public lands to third parties, and abusing land-registration or administrative procedures. In Iranian law, depending on the circumstances, such conduct may fall within the provisions concerning forgery, use of forged documents, fraud, and unlawful occupation of national lands. In English law, analogous conduct may be prosecuted under legal categories such as *fraud in land transactions*, *false representation*, and other forms of fraudulent acquisition of proprietary rights. Accordingly, criminal protection of public land is not confined to the removal of physical occupation but also encompasses measures against fraudulent methods of transfer and acquisition.

4. Theoretical Framework of the Study

The present study analyzes the offense of occupation of national lands in Iran and England through an integrated framework incorporating three theoretical approaches. First, property rights theory emphasizes the need for clarity, certainty, and registrability of proprietary rights and regards unlawful occupation as partly resulting from weaknesses in the definition and protection of property rights. According to this perspective, full implementation of cadastral registration and accurate registration of land may play an important role in preventing offenses involving national lands. Second, the Public Trust Doctrine regards public lands and natural resources as belonging to the public collectively and positions the state as trustee of those resources. From this perspective, encroachment upon national lands does not merely interfere with state property but also violates public interests and the rights of future generations, thereby providing a justification for state intervention in protecting such lands. Third, the minimalist theory of criminalization emphasizes restrained use of criminal law and the priority of civil and administrative mechanisms. This theory provides a basis for critically evaluating Iranian criminal policy in comparison with England and for assessing whether broad criminalization of conduct relating to national lands is necessary or whether some forms of such conduct can instead be managed through non-criminal mechanisms. Accordingly, the theoretical framework of the present study rests on the proposition that the effectiveness of measures against unlawful occupation of national lands does not depend exclusively on the severity of punishment but also on the transparency of the property regime, the quality of the land registration system, the legal status of public interests, and the proportionality between criminal and non-criminal instruments. From this perspective, differences between Iran and England may be analyzed not merely at the level of legal rules but also in terms of the theoretical foundations underlying protection of public lands and the manner of state intervention in their preservation (Blumm & Wood, 2021; Cai et al., 2020; Duff, 2020).

5. Research Method

The present study is applied in terms of purpose and descriptive-analytical in nature, employing a comparative approach. It seeks to examine and compare the structure through which occupation of national lands is criminalized in Iranian law with the legal regime governing protection of public lands in English law. Data were collected through library and documentary research and included statutes and regulations, doctrinal sources, judicial practice, official reports, and authoritative domestic and international scholarly works. Within the Iranian-law component, the principal legal sources included Article 45 of the Constitution, the Nationalization of Forests and Rangelands Act of 1962, the Forests and Rangelands Protection and Exploitation Act, the Registration of Deeds and Properties Act, and Articles 690–693 of the Islamic Penal Code (*Ta'zirat*). Within the English-law component, the legal regime governing protection of public and private land was examined through a range of dispersed legal rules, including civil-liability rules within land law, provisions of the Criminal Justice and Public Order Act 1994 concerning unauthorized occupation of land and certain forms of trespass, the Fraud Act 2006, the Criminal Damage Act 1971, and mechanisms of the Land Registration System. Data analysis was based on legal and comparative analysis. First, the principal concepts within each legal system were examined in terms of the foundations of ownership, the conditions under which prohibited conduct is established, and the applicable sanctions. The similarities and differences were then analyzed across three principal dimensions: the structure of public land ownership, the method of criminalization, and the type of legal response. Finally, the findings were interpreted in light of property rights theory, the Public Trust Doctrine, the minimalist theory of criminalization, and the economic approach to crime in order to explain the relationship between the transparency of the property regime and the effectiveness of criminal policy in combating occupation of national lands. The scope of the study is limited to the legal systems of Iran and England, with other legal systems mentioned only for limited theoretical comparison. Moreover, given the lack of comprehensive and precise statistical data, the analysis relies primarily on official sources, legal reports, and authoritative scholarly literature.

6. Findings

6.1. Ownership Structure and the Status of Public Lands in Iran and England

The findings indicate that the Iranian legal system is based on a distinction among national lands, state-owned lands, and privately owned exceptions. Pursuant to Article 45 of the Constitution and the Nationalization of Forests and Rangelands Act of 1962, national lands are classified as public property and *anfal*, and their management is entrusted to the state as trustee of public and intergenerational interests. Within this framework, occupation of national lands is regarded not merely as an infringement of state ownership but also as an encroachment upon public order and collective interests, which provides the underlying justification for extensive criminal intervention in this field (Farhang & Montahaei, 2020; Mohammad et al., 2023). By contrast, the structure of land ownership in England is predominantly based on private proprietary interests, while public lands are likewise administered through clearly defined and registered institutional arrangements. A fundamental feature of this system is the integrated Land Registration System, which covers the great majority of land and facilitates transparent and rapid access to information concerning the legal status of land. Within this system, legal protection is not focused exclusively on formal ownership but also on *lawful possession*, such that even a person who is not the registered owner may receive legal protection where that person has lawful possession, and interference may constitute an infringement of possessory rights (Gray & Gray, 2011). Comparative analysis indicates that, in Iran, incomplete cadastral implementation and inconsistencies among registration documents, natural-resources records, and administrative data generate structural uncertainty in determining the boundaries of national lands. This situation has led to extensive disputes concerning land classification and has rendered judicial proceedings lengthy and complex (Farhang & Montahaei, 2020; Moradvand & Habibi Tabar, 2022). By contrast, in England, formal land registration and the structure of property rights are designed to promote transparency and reduce conflicts (Gray & Gray, 2011). Accordingly, a principal finding is that the Iranian legal system focuses primarily on "whether the land is national or non-national," whereas the English legal system focuses more heavily on "the legal status of possession and registration"; this distinction contributes to differences in the nature and intensity of criminal and administrative intervention in the two systems.

6.2. Legal Elements of Prohibited Conduct in the Two Legal Systems

Comparative analysis demonstrated that, in Iranian law, occupation of national lands is defined as criminal conduct and its establishment requires the concurrence of legal, material, and mental elements. The material element encompasses any unauthorized occupation, encroachment, construction, land-use conversion, creation of structures, or exploitation of national lands. The mental element requires proof that the offender acted intentionally and with awareness of the unauthorized nature of the occupation or of the national status of the land. This structure imposes a substantial evidentiary burden on judicial authorities, as establishing the national status of the land and proving the offender's criminal intent constitute two of the principal challenges in criminal proceedings. The findings indicate that a significant proportion of delays in proceedings involving occupation of national lands results from disputes concerning land classification and difficulties in proving the mental element. Consequently, the effectiveness of criminal policy in this field depends substantially on the quality of the registration system and the available evidence concerning ownership (Katouzian, 2024; Mahrokh & Babaei, 2025).

6.3. Comparison of Iranian and English Criminal Policies toward Land Occupation

The findings demonstrate that the most significant distinction between the Iranian and English legal systems concerns the manner of criminalization and the degree to which criminal law intervenes in cases involving occupation of public land. In Iranian law, through the direct criminalization of occupation of national lands under Article 690 of the Islamic Penal Code and through provisions of the Forests and Rangelands Protection and Exploitation Act, the legislature has adopted an approach characterized by broad criminal protection of public lands and natural resources. Accordingly, conduct such as occupation, wall construction, building construction, planting trees, and erecting any form of structure on national lands may give rise to criminal liability. This approach indicates that Iranian criminal policy focuses less on managing the consequences of occupation than on preventing encroachment upon national lands through the threat and imposition of criminal sanctions. For this reason, in addition to punishment of offenders, the legislature provides for termination of unlawful possession and restoration of the prior condition as part of the legal response.

By contrast, English law does not recognize an independent offense of occupying national or public lands, and criminal protection is instead provided through a combination of dispersed legal categories, including *unlawful occupation*, *encroachment*, *criminal damage*, and *fraud in land transactions*. Where destruction of or damage to public property and infrastructure occurs, the sanctions under the Criminal Damage Act 1971 may apply. Furthermore, in certain cases involving unauthorized occupation of land and disruption of public order, the Criminal Justice and Public Order Act 1994 enables intervention by public authorities and the issuance of measures necessary for eviction and termination of unlawful occupation. Accordingly, one of the principal findings of this study is that, in the Iranian legal system, criminal law constitutes the primary and initial means of responding to occupation of national lands, whereas in English law criminal intervention is more exceptional and supplementary, with priority generally accorded to civil and administrative mechanisms for terminating occupation, evicting the occupier, and restoring the prior condition.

6.4. Integrated Theoretical Interpretation of the Findings

The findings indicate that the fundamental difference between the Iranian and English legal systems lies in the design of their criminal policies toward unlawful occupation of land and public property. In Iran, protection of national lands is primarily achieved through the direct criminalization of conduct such as occupation, encroachment, and unauthorized exploitation of national lands and natural resources. Under this approach, criminal liability requires proof of multiple elements, including the national status of the land, the occurrence of possessory conduct, and the offender's criminal intent, thereby rendering proceedings complex and time-consuming in practice. By contrast, English law employs a combination of criminal, enforcement, and administrative mechanisms to address unlawful occupation of land. Depending on the nature of the conduct, rules governing unlawful occupation of premises, encroachment upon public land, criminal damage to land or property, fraud in land transactions and transfers, and the enforcement powers of the police and local authorities may be applied. Accordingly, the legal response in England is not confined to criminal prosecution; rather, mechanisms also exist for prompt intervention and removal of the consequences of encroachment at an early stage. From the perspective of deterrence theory, the findings

suggest that the effectiveness of responses to unlawful occupation depends less on the severity of punishment than on the certainty of detection, speed of intervention, and enforceability of legal decisions. Although the Iranian legislature has provided comparatively severe criminal sanctions, the complexity of proving the elements of the offense and the multiplicity of authorities involved may diminish their practical effectiveness. By contrast, simultaneous use of criminal and enforcement mechanisms in England facilitates a more rapid response and reduces the likelihood that unlawful occupation will become entrenched. Overall, the findings demonstrate that the prevailing Iranian model may be characterized as "direct criminalization combined with a complex evidentiary process," whereas the English model is based on "multilayered criminal, enforcement, and administrative intervention." The primary distinction between the two systems therefore lies not in whether public land and property are legally protected, but in how response mechanisms are organized and implemented.

Table 1. Comparative Analysis of Criminal Policy and Mechanisms for Combating Unlawful Land Occupation in Iran and England

Comparative Indicator	Iran	England	Comparative Analysis
Prohibited conduct	Occupation of national lands; encroachment upon natural resources; unauthorized land-use conversion; fraudulent acquisition and transfer of national lands; use of forged documents	*Unlawful occupation*, *encroachment*, *criminal damage*, *fraud in land transactions*, *false representation in property dealings*	In Iran, conduct involving national lands is directly criminalized; in England, a combination of criminal and enforcement categories is employed.
Basis of legal protection	Protection of national lands and public property	Protection of proprietary rights, public order, and public interests	The systems differ in the underlying philosophy of state intervention.
Material element	Unauthorized occupation or interference with national lands	Unlawful occupation, encroachment upon property boundaries, damage, or land-related fraud	The range of legal responses is more diversified in England.
Mental element	Knowledge of the status of the land and intent to occupy or exploit it unlawfully	Intentional occupation, damage, or fraud	The evidentiary burden concerning mens rea is heavier in some Iranian cases.
Intervening authorities	Prosecutor's offices, criminal courts, and relevant administrative authorities	Courts, police, and local authorities	Executive institutions play a broader role in England.
Enforcement powers	Exercised predominantly following judicial proceedings	Possibility of prompt intervention and eviction in legally specified circumstances	The English system permits a more rapid response.
Sanctions	Imprisonment, fines, termination of unlawful possession, demolition or removal of structures	Compulsory eviction, court orders, compensation, and criminal sanctions in specified circumstances	Iran emphasizes criminal punishment, whereas England places greater emphasis on prompt removal of the consequences of the violation.
Burden of proof	Proof of the national status of the land, possessory conduct, and criminal intent	Proof of unlawful occupation, damage, or fraud, depending on the case	Evidentiary complexity is greater in Iran.
Predominant criminal policy	Direct criminalization and a criminal-law-centered approach	Integrated criminal, enforcement, and administrative model	This constitutes the principal difference between the two systems.
Practical deterrence	Dependent on judicial proceedings and enforcement of judgments	Based on speed of intervention and diversity of legal mechanisms	Certainty and speed of enforcement are the principal determinants of deterrence.

The findings presented in Table 1 demonstrate that the principal distinction between the Iranian and English legal systems lies in the organization of legal responses to unlawful land occupation. In Iran, encroachment upon national lands is primarily addressed through direct criminalization and the imposition of criminal sanctions, and criminal liability requires proof of conditions including the national status of the land, the occurrence of possessory conduct, and the offender's criminal intent. By contrast, the English legal system relies on a combination of criminal, enforcement, and administrative mechanisms to respond to unlawful occupation and possession of land and, depending on the nature of the conduct, employs mechanisms such as court orders, rules concerning criminal damage, and measures addressing fraud in land transactions. Comparative analysis indicates that, although the Iranian approach is broader in terms of criminalization and the severity of available sanctions, the diversity of intervention mechanisms and the capacity for prompt action by responsible institutions in England play an important role in preventing the continuation of unlawful occupations. Accordingly, the findings in the table support the proposition that effective protection of public lands depends not merely on the severity of punishment but also on the design of enforcement mechanisms, the speed of intervention, and the effective enforceability of legal decisions.

7. Discussion and Interpretation of Findings

The findings demonstrate that the differences between the Iranian and English legal systems in combating unlawful land occupation arise less from differences in the severity of punishment than from differences in the structure of criminal policy and the manner in which responsible institutions intervene. In Iran, the legislature has sought to protect public resources through direct criminalization of the occupation of national lands and the provision of sanctions such as imprisonment, fines, and termination of unlawful possession. Nevertheless, establishing criminal liability requires proof of the national status of the land, the occurrence of possessory conduct, and the offender's criminal intent; in many cases, these requirements prolong adjudication and reduce the speed of the legal response. By contrast, English law does not rely on a single legal category to address different forms of unlawful land occupation. Depending on the nature of the conduct, various mechanisms are employed, including powers of eviction and removal of unlawful occupation, rules governing encroachment upon land, offenses involving damage to land and property, and provisions addressing fraud in land transactions. This diversity of mechanisms prevents the legal response from being confined to conventional criminal prosecution and enables prompt intervention to prevent the continuation or expansion of encroachment. Comparative analysis indicates that the speed of intervention and certainty of enforcement are among the most significant determinants of an effective legal response. The shorter the interval between the unlawful conduct and the legal response, the lower the likelihood that the occupation will become entrenched or that the offender will benefit from it. In this respect, the English experience demonstrates that simultaneous reliance on enforcement, administrative, and criminal instruments may generate stronger deterrent effects than exclusive dependence on criminal punishment. Accordingly, the findings suggest that the principal challenge within the Iranian system is not the absence of criminalization but rather the complexity of evidentiary procedures, the multiplicity of responsible institutions, and the slowness of enforcement mechanisms. Enhancing the effectiveness of national-land protection therefore requires reform of enforcement mechanisms and stronger institutional coordination alongside preservation of existing criminal protections.

8. Conclusion and Recommendations

The present study comparatively analyzed the responses of the Iranian and English legal systems to unlawful occupation of land and public property. Examination of the laws, legal practices, and enforcement mechanisms of the two jurisdictions demonstrates that their principal difference lies not in whether public lands are protected but in the design and implementation of their respective criminal policies. The findings indicate that, in Iran, national lands are protected primarily through direct criminalization of conduct such as occupation, encroachment, and unauthorized exploitation of national lands and natural resources. Within this system, establishing criminal liability requires proof of multiple elements, including the national status of the land, the occurrence of possessory conduct, and the offender's criminal intent. Although this approach reflects strong legislative protection of public resources, in practice the complexity of evidentiary processes, the multiplicity of authorities involved, and prolonged proceedings may diminish the deterrent effectiveness of criminal law. By contrast, analysis of the English legal system demonstrates that responses to unlawful land occupation are not based on a single criminal offense but instead employ a combination of criminal, enforcement, and administrative mechanisms. Rules governing unlawful occupation, encroachment, criminal damage, fraud in land transactions, together with the enforcement powers of the police and local authorities, create a network of legal responses capable of facilitating prompt intervention and preventing the continuation of encroaching conduct. From this perspective, the effectiveness of the English system appears to derive less from the severity of punishment than from the speed of response, diversity of intervention mechanisms, and effective enforceability of legal decisions.

Based on the findings, it may be concluded that the principal challenge confronting the Iranian legal system in protecting national lands is not a shortage of criminal offenses or legislative inadequacy, but rather the complexity of evidentiary mechanisms, the slowness of enforcement processes, and insufficient coordination among the responsible institutions. Comparative analysis further demonstrates that effective deterrence in this field depends more heavily on enhancing the certainty of detection, accelerating intervention, and ensuring prompt enforcement of legal decisions than on increasing the severity of punishment.

Accordingly, the comparative analysis indicates that the fundamental difference between Iranian and English law lies not in the extent of criminalization itself but in the manner in which legal response mechanisms are organized and applied to unlawful

occupation of public lands. In Iran, criminal policy is predominantly based on direct criminalization and criminal prosecution, whereas England employs a coordinated combination of criminal, administrative, and enforcement mechanisms for prevention, intervention, and removal of the consequences of encroachment upon land. Consequently, improving the effectiveness of Iranian criminal policy in this field requires, more than the creation of new criminal offenses or increased penalties, stronger enforcement mechanisms, enhanced institutional coordination, and the development of preventive measures. On this basis, and in light of the challenges identified in the present study, the following recommendations are proposed:

1. Revise the enforcement mechanisms for combating occupation of national lands with the aim of reducing the time interval between detection of unlawful occupation and its removal.
2. Strengthen the statutory powers of institutions responsible for protecting national lands so that they may adopt immediate and preventive measures in cases of manifest unlawful occupation, subject to judicial supervision.
3. Establish coordinated mechanisms among responsible institutions, including the Natural Resources Organization, the Organization for Registration of Deeds and Properties, and judicial authorities, in order to prevent duplication of functions and accelerate adjudicatory processes.
4. Develop compensatory and restorative mechanisms alongside criminal responses, particularly where encroachment upon land has caused damage to natural resources and public property.
5. Draw upon the experience of comparative legal systems regarding the simultaneous use of criminal, administrative, and enforcement mechanisms to enhance the effectiveness of criminal policy concerning the protection of national lands.
6. Complete and continuously update land-registration and information systems as supporting mechanisms for effective law enforcement, without allowing such measures to substitute for necessary reforms to enforcement and judicial procedures.

Overall, the findings demonstrate that enhancing the effectiveness of national-land protection in Iran requires, above all, reform of enforcement and institutional mechanisms and a transition from an exclusively criminal-law-centered approach toward an integrated criminal, enforcement, and preventive model. Such a model would preserve criminal protection of public lands while enabling a more rapid and effective response to unlawful occupation.

Ethical Considerations

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

Acknowledgments

Authors thank all who helped us through this study.

Conflict of Interest

The authors report no conflict of interest.

Funding/Financial Support

According to the authors, this article has no financial support.

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