

Effects of The Penal Verdict on The Crime of Forging a Title Deed of the Residential Land in Iraq

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Abstract

Objective: Research shows the importance of studying the subject of the effects of the penal judgment on the crime of forging the title deed of residential land in Iraq is that when this crime was proven and the decision acquired the final degree, the concerned department (the municipality) files lawsuit to repeal the title deed of real estate in which it is proven that a forgery crime has occurred.

Theoretical Framework: The study of the effects of the penal ruling on the crime of forging the deed of ownership is determined by analyzing the texts of the Iraqi Penal Code No. 111 of 1969 amended, the Iraqi Civil Law No. 40 of 1951 amended, and the Real Estate Registration Law No. (43) of 1971 amended. For this purpose, this research is divided into two sections. In the first section, we show the role of the court of first instance when proving the crime of forgery of the title deed, which we will divide into two branches. As for the second section, we will clarify the role of the Federal Court of Cassation when the crime of forgery of the residential land ownership deed is proven, which we will divide into two branches also.

Methods: The topic of the research requires adopting the descriptive legal approach, to describe the effects of the penal ruling on proving the crime of forging a residential land title in Iraq and to take note of it in all its aspects, especially practical reality by analyzing the legal cases and drawing the necessary results. In addition to, the qualitative method of interviews is adopted to promote the methodology and to make the findings of the research more reasonable.

Conclusion our research dealt with the Effects of the penal verdict on the Crime of Forging a title deed of residential land in Iraq, for that purpose descriptive and analytical approaches were used.

Keywords: Residential Land, Forgery, Iraq, Title Deed, Real Estate, Damage.

Introduction

The crime of forging a residential land title deed in Iraq is one of the crimes that violate public trust. As, when persons purchase residential lands and complete the legal procedures in the competent department (municipality) officially, then sell the property several times to several people is made, or grant a building permit, suddenly, it becomes clear that the title deed that was authenticated is forged and does not exist at all. Therefore, these lands are considered to belong to the state and have not been owned by any individual. Thus, the competent department (the municipality) stops the transaction, withdraws the land, and resorts to the judiciary to prove the crime of forgery. After the crime of forgery of the title deed is proven and the decision is issued convicting the accused of the crime of forgery by the criminal court and the decision acquired the final

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degree. Then the concerned department (the municipality) files a lawsuit to revoke the title deed of the property and re-register it in its name, which causes damage to the last buyer, especially if he was in good faith when withdrawing the property from him. The Iraqi legislator did not address such damage resulting from the crime of forgery, as the person endures with the damage of forgery crime unilaterally.

The role of the court of first instance when proved the crime of forgery of a title deed

This section is divided into two branches: the first deals with the definition of the Court of First Instance and its Jurisdiction. while the second addressed the effect of the criminal ruling on the crime of forging the title deed on the Court of First Instance judgment. These will be tackled as follows:

Definition of the Court of First Instance and its Jurisdiction

The definition of the Court of First Instance in general (which has qualitative and value jurisdiction, whether in civil matters or commercial matters).³

After proving the crime of forgery of the title deed of the residential land, then the concerned department (the municipality) files lawsuits to annul the title deed of the real estate, in which the crime of forgery has been proven, before the civil courts (first instance), which the real estate is the subject of the lawsuit located in its district. After that, the competent court (first instance) rules to annul the title deeds that were made on the residential land and re-register it in the name of the concerned department (municipality).⁴

Accordingly, a lawsuit is filed to annul the deed of the registration of the property, on which it was proven that the title of ownership of the property was forged, in the Court of First Instance, as the jurisdiction of the Court of First Instance (which replaced the canceled Magistrate's Court), is:⁵

The Court of First Instance in a final degree, subject to cassation, has jurisdiction over the following cases:

1. Debt and movable claims whose value does not exceed one million dinars.
2. Other claims in which the laws provide for the jurisdiction of the Court of First Instance in a final degree.⁶

As for the other jurisdiction, it is the claims that are considered in the first degree, subject to appeal and cassation:

1. Claims whose value exceeds one thousand dinars.
2. Bankruptcy claims, and what derives from bankruptcy, in accordance with the provisions stipulated in the Commercial Law.
3. Claims of liquidation of companies, and what arises from this liquidation, in accordance with the provisions stipulated in the Companies Law.⁷

The registration of the real estate, as a result of the perpetrator committing the crime of forgery, is one of the most common cases of annulment, at present, it may be among the cases is the submission of a forged title deed, if this crime of forgery is discovered, - after the registration acquires its final form- then the disadvantaged party has the right by filing a claim before the real estate court of first instance to revoke that registration based on

³ Taghreed Abdul Majeed Nasser, Court of First Instance specialized in commercial cases, available on the Internet, <https://ar.m.wikipedia.org>. Accessed 10/6/2023

⁴ Interview with a jurist, in the Legal Division of the Directorate of Karbala Municipality

⁵ The Court of First Instance replaced at Magistrates Court under Article (65) Paragraph First of the Judicial Organization Law No. (160) for the year (1979), as amended.

⁶ See Article (31) of the Iraqi Civil Procedure Law No. (83) of (1969), as amended.

⁷ Adam Wahib Al-Nadawi, Civil Procedures, without a place to be printed, 2006, pp.92 -93.

proving the crime of forgery.⁸ As the title deed of the real estate is revoked by the court based on Article 139.⁹

As for the effect of annulment on the contracting parties among themselves, the decision of annulment makes the contract null and has no effect.¹⁰ If the real estate title deed is revoked by the competent court, the registered instrument is considered as if it did not exist, that is, it has a retroactive effect i.e. it will be returned to as it was. Based on the aforementioned, if a decision is issued to annul the registration, it will lead to the disappearance of all traces of it, and everything will be returned to as it was.¹¹

For example, in a sales contract, if the registration is revoked, the seller and the buyer are returned to the state they were in before the conclusion of the contract, so the buyer has to return the thing sold, from the time of the judicial claim in the same time the seller has to return the named price, thus the two contracting parties are returned to the state they were in before the contract after it was decided contraindicated.¹²

As, when the title deed of the property is revoked based on a forgery, the judiciary decides to return the property to the municipality from the last buyer, who in turn returns to the person who sold the property.

The effect of the criminal ruling on the crime of forging the title deed on the Court of First Instance judgment.

In this section, we will study and analyze several cases for the effects of the criminal judgment for the crime of forging the title deed of the residential land about annulling the deed of the real estate registration.

Case 1:

Claimant: Directorate of Karbala Municipality

Defendant: 1- Minister of Justice

2- S and third parties R, P, D, and F (Subsequent property purchasers)

Summary of the case

In the rationale for the decision of the Karbala Court of First Instance when revoking the title deed of the property, after the crime of forging the title deed of the residential land was proven, and after the court was briefed on the verdict issued by the Karbala Criminal Court, that convicted the accused (S), according to Article 289 of Iraqi Penal code No. 111 of 1969 and sentencing on him for fifteen years for the crime of registering the real estate (subject of the underlying case) based on a forged title deed. In addition, the convicted (S) admitted before the Criminal Court that he committed the crime of forgery, and because it is one of the lawsuits related to preserving public money, which is one of the urgent cases. As that the real estate was registered by way of forgery is proven, thus the court decided: to revoke all title deeds recorded on the real estate related to the underlying case, including the record of the defendant (S), As well as the title deed of the third person, the last owner of the property (F), and recording that in the real estate registration records, after acquiring the decision at the final degree and charging the defendant (S) and the third persons the judicial expenses and attorney's fees. The court

⁸ Hussein Faisal Nehme, Revoking of the Real Estate Registration, Master Thesis, University of Karbala, College of Law, 2021, p. 58

⁹ See Article (139) of the Iraqi Real Estate Registration Law No. (43) of (1971), as amended.

¹⁰ See Article (138), Paragraph Two of the Iraqi Civil Law No. (40) of (1951), as amended.

¹¹ Mazeaud-Le, Cons de dr. Civil-Obligation-Delta-2000-p:71

¹² Shaker Nasser Haider, Explanation of the New Civil Law (Real Estate Legal Rights), Al Maarif Library, Baghdad, 1953, p. 49.

rejected the claim against the Minister of Justice, because it was proven that his department and his employees did not commit any legal violation when registering the property in the name of (S), and the plaintiff charged the judicial expenses for this entity and the attorney fees for the defendant's agent. The decision was issued in accordance with Article (139) of the Real Estate Registration Law No. (43) of 1971 amended.¹³ As for the third person, the last purchaser of the property (f), he can claim the seller at the price based on Article 554 Civil Code.¹⁴ Judgment in the presence of the first and second defendants (S) and the third parties (R, P, and F) and in absentia against the third person (D).¹⁵

As it is noted from the above decision that the court decided to annul all title deeds contained on the real estate subject of the lawsuit, based on the criminal court's decision proving the crime of forging the title deed of the residential land, and re-registering it in the name of Karbala Municipality based on the above laws, considering that the judiciary is obligated to apply the law, that the annulment included All sales starting with the defendant (X) and ending with the last buyer of the property (F).

In this case, the state has preserved its interests without the interests of individuals, but it is better for the state departments to preserve their rights and the rights of individuals together, and also to preserve the trust that the individual in the state departments, for its important impact on the stability of the situation in legal transactions. Because the lack of such trust or its absence leads to instability in the situation in society and the occurrence of chaos and sometimes leads to the occurrence of criminal crimes, and if the state does not guarantee confidence to its citizens in its departments, then who is the guarantor?

Also, re-registering the property in the name of the municipality due to forgery and withdrawing it from the last buyer causes him great damage. This was indicated by the definition of the crime of forgery as "...causing damage to the public interest, or to a person." Here, the citizen is damaged as a result of the crime of forgery.¹⁶

In addition, the concerned department (the municipality) has completed the real estate sale transaction five times and confirmed the validity of the issuance of the forged title deed for the property, and also when requesting a building permit, adding a building, or a demolition and construction permit, in these cases, the relevant section upholds the validity of the issuance of the title deed. So, in most cases the validity of the issuance of the title deed was upheld more than five or six times, and no fault of the last buyer if he was in good faith.

So, to solve the problem of withdrawing real estate from citizens, the researcher suggests to the Council of Ministers is issuing a decision as it did by issuing Decision No. 585,¹⁷ as: In the event that the real estate transaction for the residential land was completed exclusively by the municipality department in a legal manner, for one time or more, and then it appeared the title deed was forged, and the last buyer was in good faith. then the registration of the real estate will not be revoked and not returned to the state, but rather the concerned department has to claim the forger of the title deed or the one who used it and the accomplices with him in the crime to pay the double price of the residential land.

Or enacting new legislation with severe punishment by the legislative authority regarding the crime of forging the title deed of the residential land. Because the application of general rules to this crime leads to damage to the citizen at times, and sometimes to the

¹³ See Article (139) of the Real Estate Registration Law No. (43) for the year (1971), as amended.

¹⁴ See Article (445) of the Iraqi Civil Law No. (40) of (1951), as amended.

¹⁵ A decision issued by the Karbala Court of First Instance No. (614/b/2013) on 9/15/2013 (unpublished decision).

¹⁶ See Article (288) of the Iraqi Penal Code No. (111) of (1969), as amended.

¹⁷ See Decision of Iraqi Council of Ministers No. (585) of 12/31/2013 (unpublished decision).

state at other times. However, if the last buyer was in bad faith, the general rules apply to him.

The researcher also noted that the defendant (S), and the third parties including (F), were charged with judicial expenses based on Civil Procedure Law No. 83 of 1969. As for (S), he deserves punishment because he committed the crime of forgery. As for the last purchaser, he should not be charged by paying the expenses of a case for the effects of a crime of forgery that he did not commit if he was in good faith, but if he was in bad faith and knew of the forgery, then he deserves that.

The researcher also noted that the municipality filed a lawsuit against the Minister of Justice to annul the title deed of the property subject of the lawsuit, but the court dismissed the lawsuit and charged the plaintiff (the municipality) the judicial expenses and attorney fees. Because the (S) only was condemned by the criminal decision that regards the real estate.

Therefore, the researcher views that the case should not be brought against the Minister of Justice to reduce the burden on the Ministry of Justice, the Real Estate Registration Directorate, and the court, and shorten time, effort, and money. So that state departments can provide the best services at the lowest possible cost and for the purpose of preserving public money, as the issuance of the decision and has acquired the peremptory degree will be mandatory for implementation.

The Karbala Federal Court of Appeal ruled in one of its decisions (...and if the decision is final, then the Real Estate Registration Directorate must implement it according to the provisions of Article 139/1 of the Real Estate Registration Law. As the court's decision to dismiss the case against the Minister of Justice does not affect the nature of the ruling that must be enforceable when it is final, especially since the ruling included the registration of the property in the name of the municipality of Karbala.¹⁸

The researcher also noted that the decision gave the third person, the last buyer of the property, the possibility of charging to the seller for the price and the expenses he spent under Article 554 of the Civil Code. And that the buyer (f) costs the seller (d) for the price and expenses, but (d) is of unknown residence and his fate is not known whether he is alive or died, and a judgment has been issued against him in absentia to revoke the title deed of the property which he sold to (f).

In an interview with a judge of the Karbala First Instance Court, who explained that there are several cases of invalidating the title deed of the property that was forged:

First: Each buyer charges the person who sold him the property at the price at which he bought it, even if there is a period of time between the sale and the purchase, whether it is long or short, provided that the seller was good faith in accordance with Article 554, the first paragraph of the Iraqi Civil Code.

Second: Each buyer returns to the person who sold the property for the price at the time of the judicial claim, even if there is a period of time between buying and selling, whether it is long or short, provided that the seller was bad faith in accordance with Article 554, the second paragraph of the Iraqi Civil Code.

Third: If the seller is dead, here are two cases:

- A. If he has an estate, the buyer takes the price from the estate, and if it is distributed among the heirs, then the price is returned from the heirs.
- B. If the deceased did not have an estate, he does not return on anyone.

Fourth: If the seller is of unknown residence and a decision was issued to annul the title deed of the forged property against him in absentia, then here the buyer files a lawsuit

¹⁸ A decision issued by the Karbala Federal Court of Appeal / Rights, No. 382 / S / 2013 on 10/22/2013 (unpublished).

against the seller of the unknown residence, and if the decision is issued in favor of the last buyer against the seller in absentia, the last buyer keeps the decision until the seller appears or his movable and immovable funds appear and he implements the decision on them. The court here only issues a ruling in favor of the last buyer by returning the price to the seller against whom a judgment was issued in absentia to revoke the property's title deed.¹⁹

As it is noted from the above interview, the last buyer cannot cost the rest of the sellers, if the one who sold the property to him is not present among them, and therefore the offender is safe, if the seller is not present. That is, the offender sells the residential land belonging to the state and disposes of its money, and this is a legal gap that can be taken advantage of.

Therefore, the researcher calls to amend this law or to issue a special title deed legislation that deals with this case, by the way the judiciary does not revoke the title deed of the property that was acquired by forgery if the last buyer was good faith. As for the concerned department (the municipality), it returns to the counterfeiter the price of the property doubled as a punishment for his act. The researcher also noticed that the last buyer can return the price to the seller at the time of the judicial claim, if the seller was in bad faith, so the researcher calls on the criminal courts to investigate all buyers of the property and know who was good or bad faith.

Case 2:

In another decision (...and after reviewing the criminal case received from the Karbala Criminal Court, which was decided by convicted the (S) in accordance with Article 292 Penalties, the court found that the first title deed which was a base of all subsequent deeds, it was proved a forged by the ruling of the Criminal Court. Accordingly, the first and subsequent deeds were registered on a false basis, and what was built on falsehood is invalid. Thus, the reasons and justifications for revoking the first and subsequent title deeds have been proven. Accordingly, the court decided to annul the registration of the property... for (S), and the three persons (R) and (P). ..)²⁰

It is noted, in addition to what was previously stated, that in this decision, the last buyer (N) has charged (R) the price and expenses only, even if the value of the property is small, compared to the current time, for he was good faith. As for (S), he returns to (S) with the price of the property at the time of the judicial claim. Example: (N) returns to (R) with the price of the property, even if (N) had bought the property from (R) for one million dinars, and its price at the time of the judicial claim was (10) million dinars, then the last buyer (N) returns the amount of one million dinars only to the seller (S), because he was good faith. (R) returns to (S) the amount of (10) million dinars, even if he bought him for (500) thousand dinars, because (X) was bad faith, and here (R) has benefited according to the earn without reason, and the last buyer was damaged because he was good faith, so the solution lies in what we suggested earlier.

The court also issued another decision in which it stated (Given the crime was proven by the decision of the criminal judgment which acquisition of the final degree, and since the judge is not related to the penal judgment except in the facts that he decided on, and his ruling on them was necessary in the case of forgery. Therefore it is not permissible to accept evidence that nullifies the final judgments, and what It was built on falsehood, it was void, because there is no basis on which it is based, and it and non-existence are the same, so the court decided to invalidate the registration of the property...)²¹

¹⁹ An interview with a judge of the Court of First Instance of Karbala

²⁰ A decision issued by the Court of First Instance of Karbala, No. (195/B/2015) on (31/3/2015), (unpublished).

²¹ A decision issued by Karbala Court of First Instance, No. 1959/B/2018 on 8/27/2018 (unpublished).

It is noted, in addition to what we mentioned previously, that the decision to invalidate the property title deed is considered the jurisdiction of the Court of First Instance, so the researcher suggests that the criminal courts, in the event of proving the crime of forgery, add a paragraph to the judgment decision to invalidate the property title deed, if the last buyer was in bad faith after acquiring deterministic degree decision, this is to link the two lawsuits (civil and penal) together, in addition, it is considered one of the prerogatives of the criminal courts. As well to shortcut time, effort, and money, and also to reduce the burden and pressure on the courts of first instance, so that they perform their work more efficiently and smoothly, as it is noted recently that there are many lawsuits to invalidate the title deeds of real estate.

The Role of the Federal Court of Cassation on the Crime of Forging the title deed

This section is divided into two branches: the first deals with the Definition of the Federal Court of Cassation and its Jurisdiction. while the second addressed the role of the Federal Court of Cassation on the effects of the criminal ruling on the crime of forging the title deed. These will be examined as follows:

The Federal Court of Cassation enjoys broad powers, in terms of upholding the judgment issued by the Court of First Instance, or the Court of Appeal as a consequence of the crime of forging the title of ownership of residential land, after the crime has been proven, and the invalidation of the deed of records for real estate. As, we have shown that one of the results of proving the crime of forgery, it is to revoke the title deed of the property and its subsequent deeds, and re-register the property in the name of the municipality. Therefore, we will divide this section into two branches, we mention in the first the definition of the Federal Court of Cassation and its jurisdiction, then we explain in the second the role of the Federal Court of Cassation in terms of the effects of the criminal ruling on the crime of forging of the title deed.

Definition of the Federal Court of Cassation and its Jurisdiction

The Federal Court of Cassation consists of a single court in the capital Baghdad and is considered the highest judicial body in the ordinary judiciary, and it currently consists of a chief and (26) judges, and it is competent in reviewing the decisions issued in all criminal, civil, and family courts, it's chief is the Chief of the Supreme Judicial Council and Vice-Chief of the Court is Vice-Chief of the Supreme Judicial Council.²²

As the court exercises its jurisdiction over all appeals that are filed to it, for the purpose of preserving the unity of legislation and equality before the law, as it is described as the guardian of the law. Therefore, we will mention its jurisdiction with regard to our topic:²³

A. Considering appeals by way of cassation in judgments issued by the Courts of Appeal in their cassation capacity, as well as the courts of first instance in cases that fall outside the jurisdiction of the Courts of Appeal in their cassation capacity.²⁴

B. Considering appeals by way of cassation against the decisions mentioned in Article (216/1) Civil Procedure Law, if they were issued by the Courts of Appeal in their appellate capacity, and the Court of Cassation is not considered a degree of litigation, as it is an audit and oversight court.²⁵

Where Article (35) of the amended Iraqi Civil Procedure Law No. 83 of 1969 stated: "The Court of Cassation is competent to consider judgments issued by the Courts of

²² Dr. Abdul Amir Al-Agaili and Dr. Salim Ibrahim Harba, Principles of Criminal Trials, Al-Sanhouri Library, Beirut, 2015, p. 33.

²³ Dr. Abd al-Razzaq Abd al-Wahhab, Challenging Judgments by Discrimination, Dar al-Hikma, Baghdad, 1991, p. 16.

²⁴ Medhat Al-Mahmoud, Explanation of Civil Procedure Law No. 83 of 1969 and its practical applications, Part One, without the name of the printing press, Baghdad, 2005, p. 61.

²⁵ Ibid.

Appeal and the Courts of First Instance...". Thus, the jurisdiction of the civil commission in the Court of Cassation is to hear appeals that are submitted against judgments and decisions issued by the Court of First Instance in civil cases.²⁶

Challenging by way of cassation does not lead to the presentation of the same case considered by the trial courts or the courts of appeal. Rather, the case is presented in another way in violation of the provisions issued by the law. However, it is not permissible to present new evidence that was not previously (by the challenger) presented before the court that issued the judgment.²⁷

The role of the Federal Court of Cassation on the effects of the criminal ruling on the crime of forging the title deed.

In this section, we will discuss one of the important judicial applications on this topic. Where, the Court of Cassation ratified the first instance judgment, after the Court of Appeal upheld the first instance judgment and dismissed the appeal challenge, the decision stated:

Upon scrutiny and deliberation, it was noted that the appeal was submitted within its legal period, so it was decided to accept it in form, and upon consideration of the appealed judgment, it was found to be correct and in accordance with the law. This is for the reasons on which it relied, as it was upheld by the investigations of the Court of First Instance that the defendant (S) fabricated documents; for the purpose of obtaining property from the municipality of Karbala, the property subject of the lawsuit has been owned and registered in his name already. Then he disposed of it by selling it to (third parties) the defendant (R), who sold it to the defendant (N), and it was proven that the owner (S) submitted forged documents, and he was convicted by the Karbala misdemeanor court..... Accordingly, the registration of the property subject of the lawsuit in the name of the defendant (S), was based on falsehood. So the title of the property registered in his name, and the rest of the subsequent titles, must be revoked and re-registered in the name of the Karbala Municipality, which is what the preliminary ruling ruled, and the Court of Appeal supported it in its ruling. So, it decided to ratify it and reject the cassation appeal and charge the challenger the cassation fees, and the decision was issued by agreement based on Article (210/2) Civil Procedures Law²⁸

From the above case, it is noted that the Court of Cassation ratified the judgment issued by the Court of First Instance after it had been appealed, which stipulates the invalidation of the first title deed of the property and subsequent entries. Because the crime of forgery occurred in the deed of ownership of the property, and it was proven in a judgment issued by a criminal court that acquired the final degree. Because what is built on falsehood is false, and the property was registered in the name of the municipality, the judiciary is obliged to apply the law. Therefore, the researcher suggests amending the law or issuing a new law for the title deed of the property, so that the title deeds on the property are not invalidated if the last buyer was in good faith, not charging him lawsuit fees and legal fees, and charging the value of the property and fees to the forger and everyone who participated with him.

As we have noticed, in all stages of the lawsuit, the decision is issued based on the decision of the criminal judgment, after proving the crime of forgery by invalidating the title deed from the Court of First Instance and ratifying it in the Federal Courts of Appeal and Cassation, so we recommend the Criminal Court add a paragraph to invalidate the

²⁶ A decision issued by the Federal Court of Cassation No. 16/General Authority/2018 on 27/5/2018, available on: <https://www.sirwanlawyer.com> (Accessed 15, May 2023)

²⁷ Dr. Abbas Al-Aboudi, *Explanation of the provisions of the Civil Procedure Law*, Mosul University Press, 2000, p. 427.

²⁸ A decision issued by the Federal Court of Cassation, No. (331 / Appellate, Aqar / 2019, No. 429) on (29/1/2019), (unpublished).

title deed of the property if the last buyer is in bad faith, for the reasons we mentioned earlier.

Conclusion

Finally, we have achieved that the effects of the criminal judgment upon proving the crime of forging the title deed of ownership of the residential land are that the competent department (the municipality) files a lawsuit to revoke the title deed of the forged property, and the subsequent deeds, including the last buyer, as it causes him damage. In addition, the last buyer cannot charge the counterfeiter the price of the property at the time of the judicial claim, but rather he charges the one who sold the property to him for its price only, whatever the current price of the property is based on Article 554, Paragraph (1) of the Iraqi Civil Code, and this causes damage to him too. The researcher also concluded that when issuing a decision to annul the title deed of the property, the court charges the defendant (the offender) and the third parties, including the last buyer, judicial fees and expenses, including attorney's fees, as these expenses constitute damage to the last buyer, for he was in good faith and didn't participate with the crime of forgery, and that he bought the property in a legal way. The court also requests the inclusion of the Minister of Justice with the defendant, and his legal representative, who is the director of real estate registration, attends, and when the real estate registration is invalidated, the court of first instance issues a decision to cost the plaintiff (the municipality) with fees, and this matter leads to the plaintiff's department losing the amount of money. Finally, after the issuance of a decision by the criminal courts, and the crime of forging the title deed of the residential land is proven, it includes in one of its paragraphs to resort to the civil courts to nullify the registration of the property, and the civil court does this matter. As well, the researcher has reached a set of findings as follows:

1- It is recommended to deal with the effects of the criminal judgment, by adding a paragraph to the Municipal Administration Law No. (65) of 1964 as amended, or by issuing a decision by the Council of Ministers similar to Resolution (585), which dealt with the problem withdrawal of real estate, to be as follows: (In the event of completion of the ownership transaction of the residential land exclusively from the municipality department in a legal manner, for one time or more, and it appeared that its title deed was forged, and the last buyer was in good faith, so the title deed is not revoked, but the forger of the title deed or its user and those involved with him in the crime of the residential land fined double in favor of municipal department).

2- In that case, it is suggested to the legislator to stipulate the law to be with a retroactive effect and includes past cases. Contrary to the general rule that says that the law is effective from the date of its publication in the Official Gazette, that is, for current and future cases, unless the law stipulates otherwise.

3- It is suggested to the concerned departments (municipalities), when filing a lawsuit to invalidate the real estate deed by the municipal department to which the real estate belongs after a crime of forging the title deed is proven. The Minister of Justice does not be invited with the defendant, and to limit his presence to the criminal courts only, for the reasons we have previously indicated.

4- It is suggested that when a decision is issued by the criminal courts, and the crime of forging the title deed of the residential land is proven, the criminal court adds a paragraph to revoke the real estate deed, and the deeds subsequent to it, if it is proven to the court that the last buyer was in bad faith.

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