

## **Faciny with Office and Judiciary Formalities in the Field of Prevention Due to Forge Governmental Documents' Crime**

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**Abstract:** One of the most important crimes against public trust and tranquility is forgery. To forge official and government documents that is to say the documents which to be regulated by officials in order to their legal duties because of its proper credit and worth and also having a stronger feedback proportionate to common documents, causes to be called intensified forgery and legist labors are going to prevent penal crimes via intensification of punishments. Unfortunately, nonetheless of acute punishment, the toll is increasing and re punishment could not do any thing and prevention must be at the level of nation wide area and ever in offices, official office system should not assume that their maximum duty is in litigation of official deeds, forgery in justice ministry and merely to plead for punishment but they should confront and prevent it at the 1st priority. In the present study, after mentioning the most usual and common methods of state deeds' forgery, it has been suggested to constitute a preventive council about office special crimes with the purpose of legislation for proper regulations and submission of identical procedures.

**Key words:** Prevention, forgery, state deeds, coding, intensified punishment, nation

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### **INTRODUCTION**

**Features and division in the realm of governmental documents' forget:** If the forgery of governmental document to be known as a cheating of reality in governmental documents in one of the mentioned ways in laws so, the forgers are persons who is going to have a forged governmental document or to change its text in order to have benefits just against government. Therefore, the reason for this group of forgers (apart from other committers of crime) is not for very and following to earn some benefits live: to earn money, advantage, prestige and credit. The before mentioned forgers have special features and traits from the view point of from other criminals (Greenaway and Milner, 2003; Herdt and Lassina, 1976; Srinivasan and Bhagwati, 1978).

Forgers of governmental documents have lots of miscellany and also a broad dimension of usual criminals and fully by random which is merely for solving instantaneous problems and for this reason to commit forgery and also contains organized red-tape criminals (such as forgers of notes, passport, etc.) absolutely, the priority for prevention should be of important and organized crimes and protection of national documents. In crime of forgery, the forger can usually chouse subject, time and place of crime commitment at his discretion and then to do forgery in a suitable opportunity,

far-detachedly and without any fear and through, all necessary possibilities whereas about crimes such as robbery and soon all is not in order.

Felonies arising from the crime of forgery about governmental documents and addressees and (financial loops, non-materialized loops and social loops) can be governmental offices and organizations (such as forgery of cheque and title deeds of the government) or persons (forgery of banking documents against account owner or forgery of delivered notes) or even without direct felonization. So, in preventive schedules, based upon recognition of felonies should pay attention to above mentioned point (Srinivasan and Bhagwati, 1978; Goldin and OECD, 1990). Foyers benefit from materialized sciences advancement such as; physics and chemistry and knowledge of properties about various materials and so forth and also, utilize either experience and practice or methods and scientific possibilities (in other crimes, science advancement is not effective to such intent). In other to mentioned cases, experience and technical possibilities due to be able to discover and frustrate. Forgers of governmental documents are mostly going to use the benefits of forged documents and commit the 2nd crime regarding vitalization of the forged documents but some of forgers are not possibly going to use it for example, researchers can mention forgers of university documents due to use its title and respective benefits

without submission and vitalization of the original deed. Researchers can do division of governmental documents forgery in various aspects. The benefit of this categorization is in 2 topics of prevention and discovery of crime and should regard and observed in preventive programming.

#### **DIVISION OF FORGERY BASED UPON THE TYPE, IDENTITY AND PROCEDURE**

**Material and spiritual forgers:** In materialized forgery, the appearance of deed is tampered and will be usually made clear through reference to expert (Masters and Winter-Nelson, 1995; Shabuddin and Dorosh, 2002). In this kind, the forger is going to misuse and change the reality through deed making and sealing and tampered signature here under or alteration a true deed (in the form of addition, annexation, demonstration and reducing the content of deed, abrasion and easement) or other changes (like transposition of deed date). In contrast in spiritual or contextual forgery the appearance of deed is correct and no annexation has been done. So, such forgers who are usually employees, making documents which have a correct appearance but having a false and tampered tenor. As researchers will say, it should not be neglected in preventive schedules.

**Forgery through manning the whole document or deed alteration:** Occasionally, the forger makes a deed wholly and commit material and spiritual forgery and sometimes, he tamper the existing document. Deed alteration which is to be done in the form of minor changes as above mentioned (addition or subtraction) is merely posed within material forgery and in this section, spiritual forgery is meaningless.

**Forgery of governmental official deeds and governmental common deeds:** As it was mentioned that in the production, official deeds are those which have been adjusted in registration bureau or notary public offices or by duties at their discretion and according to legal rules. The documents like: title deeds, transfer deed. Birth certificate, passport, driving, license, notes, coupon and so on can be recognized likewise. The other governmental deeds which is latch of above categorization is saved as common document and in Iranian torture law, it is not usually encountered stress fully. It is suggested to legislator due to consider a suitable classification retargeting such deeds and a proportional torture for each group and in order to the kind and significance of governmental deeds, crime of forgery should be rewritten. In preventive schedules, deeds assortment should be served according to significance, prevalence level and addresses.

**Custom forgery and computerized forgery:** In custom forgery which is apparently served according to study 523 (Islamic torture law) will be done in a common environment and unreal things will be written on a study. Whereas in computerized forgery, change of reality will be done in a cyber environment and also entry of unreal data will be by mouse.

Legislator finished the lawyers, disputes regard forgery is cyber space by approval compute eyed crimes. Absolutely, in preventive schedules these 2 environments should be investigated severally and through putting a side pen and study within offices this kind of forgery will have more significance.

**Division of forgery base on forgers:** For this reason, the following divisions will be imaginable.

**Random, professional organized forgers:** As it was mentioned about forgery, the forgers contain a broad spectrum, random forgers commit forgery following to capricious desire. In contrast, professional forgers take action to forge in a fully major form and accept forgers as a job. In a wider level, the organized forgers are to do forgery some important deeds like notes, passport, visa, birth certificate and to do this beyond borders a country and in a global level.

**Employee and usual forgers:** Regarding forgery of governmental deeds, it is occasionally observed that forger is an employee in the related organization and due to be informed about the topic, commits material or spiritual forgery. For instance, bank employee in order not to divulge the done embezzlement is to falsify banking memorandum. In contrast, there are some forgers out of administrative system who commit forgery in governmental deeds. In preventive schedules, it should be kept in mind that difference in kind of forgers and also forgery detection are harder in the 1st group.

**Forgery division based upon deed issuer:** Forgery of governmental deeds contains a wide spectrum of deeds (especially due to issuer party) and because of broad mastery of governmental and public offices is so. Issuer of governmental deeds might at 1st be a real figure (minister, chairman, managing director and mayor) or a legal entity (government and cabinet). Within legal entities issuer of governmental deeds has a proper intent of office system such as cabinet, ministries, governmental organization, cos. Revolutionary centers, non-governmental entity and the firms which require name and address are being observed. About one of the preventive schedules as will say later on can be settled down via governmental deed issuance and to decrease, it is logical trend.

**Division of forgery based upon deed addresses and felonies:** From this viewpoint, governmental deeds might be served as public utility and have no proper address and for instance the documents like notes, coupon are not special for proper persons and the owner can use it without limitation. Because of this train, it is usually interested by professional forgers to do forgery. In contrast, some governmental documents are public utility but have a special addresses. For instance, birth certificate, national card, passport and court orders are applied all across the country and can be relied on but the addresses is usually a proper person. Third group of deeds are typically special deeds or particular fellows such as is sued chouse in favor of persons by the government or occupational certificates regarding state study which are addressing a special source and a particular subject.

From the viewpoint of felony as it was saying. The felonies might be legal or real entities according to before mentioned division or to be a document which has no flonizer.

**Division of forgery base on time validity:** From this viewpoint, some governmental deeds might have an unconditional validity and not to be limited to a proper time, for example title deed or study certificates which are not obliged to a proper time.

In contrast, governmental deeds having a limited validity. For instance, fundamental sheet but tickets, entrance fee for museums. Absolutely for prevention of forgery of each group, special thought should be made and sometimes, it is necessary to announce it as an unimportant case. As if one of the aims of US government regarding change of currencies globally was confrontation with false dollars.

#### **RESPONSIBLE ORGANIZATIONS, METHOD AND NECESSARY PRELIMINARIES IN ADMINISTRATIVE AND JUDICIAL REGARDING PREVENTION OF GOVERNMENTAL DEEDS' FORGERY**

In rule 156 of constitution the duty of constitution, the duty of forgery prevention has been drawn of judiciary force. Rule 130 of law regarding 4th program of economic, social, cultural development certified on 1383, bounded Judiciary force in order to prevent crime base on the related study. At present, Judiciary force is to focus preventive management anal also utilize the capacities of other executive centers and for this reason, legislate a bill and submit it to assembly and it is now certified and near to finalized. With a glance to above approved laws, showing that judiciary force is going to found an infra structure constitutions due to prevent under its

management locally and nationally. Absolutely after finalization above approved laws and foundation supreme and provincial council, it is 1st duty is to program for prevention process. So, case and thematic divisions are the 1st requirement of preventive schedules regarding crime occurrence.

It is also necessary to constitute particular staffs for prevention of special classes of crimes (financial, office, economic, life environment, military and computerized crimes) or special crime (willful murder, robbery, cheating and forgery). Categorically in respect to crime prevention, it is felt to legislate and compile proper regulations. Therefore, from now on researchers should try to supply raw materials for related schedules and is suggested to take action for executive legislation along with good confrontation by administrative and judiciary century in order to previous records background and compiled theoretical and practical essays. And after final approval, the produced regulations will be certified by special sources and like white, preventive council will be 1 step a head.

In this field, record of compiling regulations about prevention can be a suitable pattern that is to say. In the realm of preventive actions like regulations about after emit cares or about prison centers, social care staff or about prevention of proper ermines like additives or bribery in executives certified by cabinets on 1383. Although, researchers should confess that above regulations have not a scientific force and also it has no result practically, for instance, in regulations abort prevention of bribery, it could not be prosperous the officially and merely with repetition of various bribe (article 1) and even with a high inclusion of tenors out of law and also application general words for exceptive systems, all and were not resentful.

Although, it is along with cases like transparency, education, encouragement (article 2) identification of vulnerable points (article 12), honor design of client (article 13) and also with connectivity of paralleled organizations (like: inspector, inspection units, safe guarding) new group study (article 13, note 1), management and planning organization, secretariat for rising office health and challenge with corruption) in relation to practical success regarding bribery prevention in executives. It is not so, far received any report about positive reserved because of misleading programs. Absolutely, the said regulations and the like with all theoretical and practical problems can be a positive step for prevention and the established probable group works should legislate preventive regulations, just after approval by law with the help of scholars and executive ranks and full knowledge of crimes along with special preferences. The present study and other study and compiled treatises in the realm of forgery crime can be raw

material of a special regulations under title of prevention of forgery crime of governmental deeds. Certainly, necessary introduction for compilation of above regulations is correspondence with all offices (public and state) for recognition a kind of issued deeds and level of forgery prevalence in above system and method of forgery and committing are also remarked.

The experience of foundation of coordination council for prevention of forgery on 1385 in Mashhad city could be a successful field which consists of 5 group researchers, judiciary security disciplinary, education and theoretic researchment, cultural, social, religions press and media under surveillance of Mashhad noble attorney; general with thematic review of crimes along with prevention of crimes (like; accidents, felony issuance of a bad check).

So with rapid change of crimes, researchers should found constitution for prevention and controlling crime along with the help of office, judicial and popular centers. In the end for success in this regard and compilation of special regulations and establishment executive group researchers. The following preliminaries are suggested:

- Recognition various kinds of state and public offices
- Recognition level of forgery and its prevalence through office tolls, police toll and estimation of felony
- Classification of the said toll base on the type of organization, area kind of commitment and finally drawing some charts showing issued deeds, amount of forgery and the respective ratio
- After recognition the foregoing status quo, advices will be made for decrease of issued deeds and unnecessary correspondence through legislation, assortment about proper offices

**Types and ways of prevention about forgery of governmental deeds:** Prevention of forgery about governmental deeds can be reviewed in order to a common division in criminology and into 2 main groups: relational prevention (penal or 3rd) and actional prevention (non-penal consists of social and the mastic) as follows:

**Reactional prevention:** In this relation, the following procedures are mainly suggested to legislator.

**New crime imagination:** Iranian legislator has not followed a defendable system regarding forgery of governmental deeds.

**Firstly:** It is fellow directed and not deed directed and pay more attention to forgery of bosses and ranks, deeds

apart not observed sometime, significance of a deed that issued by an employee is >1 issued by the ranks of the country.

**Secondly:** Iranian legislator on the contrary of French legislator has been neglected about significance of deeds. In the French law with the purpose of penal prevention of forgery, having false deeds, having facilities, objects for cut printing has been crime-imagined which can be paid attention.

**Thirdly:** In study 606, regarding Islamic punishment law, office managers have no/legal assignment and duty for announcement of forgery to judicial and administrative ranks. Categorically, the significance of state deeds, forgery is not less than illegal possession and the study amendment is necessary.

**Symmetrical punishments:** Islamic punishment law has not observed the proportionate of crime and punishment in the realm of state deeds. Unnecessary miscellany of penalties about note, caused something wrong about penal prevention where as for example in French penal code has been anticipates 30 tears imprisonment for forgery of notes and 450.000 EUR as cash fine. Besides in the forgoing law, punishment is not observed in other cases.

Iranian legislator has not been used from compulsory punishment about forgery of state deeds such as tender and residence ban.

**Reinforcement of scientific police about certainty of state forged deeds' discovery:** Requirement of certainty which is served as the base of penal prevention is deftness in crime discovery. In the realm of state deeds' forgery, updating the systems of crime discovery can be an important message to the forgers utilization of physical and chemical methods should not limit to the police constitutions but is to be equipped all centers which used from these deeds. Forger of state deeds should be assured that he can not use from forged deeds with assumption of forgery.

**Actional prevention:** On the contrary of reactional prevention which showing reaction just after crime commitment, it should be scheduled before commitment in this kind. So according to a common classification for this prevention, asocial and thematic, we are to discuss about base of this kind of prevention regarding governmental deeds forger.

**Social prevention:** As researchers said, above prevention divided into 2 groups; growth and society directed and well study about it briefly. In today's

criminology has been proved which role of education in 1st steps of life regarding crime prevention is important.

Unfortunately, in the because of social sciences for the periods of primary, guiding, high schools are being felt very well regarding its effects about crime prevention. In classes which have been held for employees about forgery crime, I found that they are even unable to explain a deed and various kinds (official and common) and also it is difference with written forms and also forgery.

In the final test, they found cheque as an official deed. This matter is arising from lack of education during child hood and neglecting from a growth/directed prevention. In today's education system, unnecessary points are being taught but for instance about signature which is the most important pillar for official and common documents is not taught to persons. And each person chooses a signature according to his individual experience which is partly because of not to forecast the necessary points forgery that is easily possible and is served as a factor for encouragement to do forgery. Out of effective argument about prevention of forgery the educational system has not been succeeded to man the students familiar with authenticity which is a true pillar of human decency.

Telling a lie and cheating instead of a clear derivation is served as cleverness. A student who is not just why should not cheat in examinations or not to tell a lie so, he might be justified by himself due to retouch a document. Therefore, training the students in the realm of social educations along with modern language and by experts and compilation books and suitable films is necessary in this regard, at the level of society, public education and culture moving via modern tools is necessary. The public should be educated in order to do effort and attempt for their excellent purposes, instead of imitation and knowing forgers as pattern.

**Thematic prevention (situation directed):** As researchers know in this kind of prevention, researchers follow some affections on the positions which direct guilty to ward crime so, the purpose is to change the situation of each crime in order to made it impossible or made it very hard and by this way to prevent the crimes.

So for thematic prevention of forgery about governmental deeds, researechers should review it via 2 sections in imitation of Ronald Klark that is to say, prevention through meaning it impossible and meaning it hard and expensive. Categorically, each one of the foregoing lists requires an extensive research and as researchers told in introduction, the aim of present research is merely opening prevention discussion in a proper crime.

**Prevention via making the crime commitment impossible regarding governmental deeds' forgery:** In this relation, the following procedures are suggested to responsible and preventive councils. Settlement and decrease bureaucracy and reducing the volume of administrative cores condense (Deletion crime goals) as researchers already mentioned high volume of administrative and governmental letters will increase the danger of forgery. A glance to administrative system in the country makes it clear which most of office correspondences are unnecessary and through an office revolution, researchers can reduce this volume markedly and by this way to achieve the prevention of forgery. For this reason, the following suggestions is considerable:

**Achievement and ruling of electronic government:** Researchers should obtain a real ruling of studyless system through reinforcement of Internet and Intranet system. In this regard, electronic government should not mean to change study correspondence to electronic but to omit many of unnecessary correspondence. For example, omission many of municipality visits which require deletion of correspondence and irrelevant inquiries should be made.

Out of omission the unnecessary ceremonies and to economize time of people and offices, it has decreased crime of forgery absolutely. Therefore for achievement electronic government, researchers should omit many of unnecessary correspondences. Of course, it should be kept in mind if the purpose is merely to change study correspondence to electronic, researchers must for study forgery to computerized case. Also, substitution of study documents such as solution for prevention.

**Possibility of common and proper access to governmental deeds through computer:** The persons who are going to forge governmental documents are sure their forgery wo not the detected and are able to utilize from the forged deeds easily and felonies are not usually able to be sure about the accuracy of deed. So in case, there have been copies of state deeds in special websites of offices and applicants can access, it is served as a factor for prevention of forgery about state deeds. For instance, at present, there is forgery of title deeds and cheating through it.

So as if you could search for registration and person's ownership in real estates through website, it can be a factor for prevention of forgery. In principle, this right should be for residents due to make clear the validity of deeds when ever they want. For example if name of all

graduates of a university along with traits (average, graduation year and so on), it is absolutely a preventive factor regarding forgery of university certificates. Perhaps, that's why, researchers cannot forge a ticket of train or plane and in contrast but tickets can be forged for many times and meaning bus services company to reprint monthly or seasonal tickets.

So, the priority is to scan important deeds like birth certificate and national card via consideration probable afterwards. Successful example about this point in university is usage of a proper batch or locks and other new technology and it has frustrated the possibility of forgery to a high extent.

**Prevention through hardening and fully charging of crime commitment regarding forgery of governmental deeds:** In this relation, crime should be informed that for getting his own purposes must pay a high expenses and via rising expenditure and danger, not to think about forgery at all.

Unfortunately at present, state deeds are regulated very easy and for this reason, serves as a factor for forgery. For this reason, the following procedures are suggested within 2 parts: hardening crime goals and also to increase dangers of crime commitment, respectively hardening crime goals via:

- Special paper along with the field mark and particular date of paper which to be visible opposite the light
- Being of a special shining mark or a proper yarn (luminous) about important documents such as what is used in passport, birth-certificate and driving licenses
- Making all pencils and office stamps and inks identical which harden the possibility of forgery and even to be used from phosphoric special inks with sensitivity to ultra violet ray in composition of important documents
- Code and needle decoding of documents where as could be easily obviated regarding originality or non-originality and about documents which have a special addressee, the said centers should be equipped with forgoing systems
- Education of signature and hardening it for prevention of forgery; surely, simplicity of a signature and having no suitable place for it is served as simply fire for forgery crime. Complicated signature along with curved traits and pen rapidity and path change making the forgery difficult and in contrast very simple signatures are encourager of forgery

- Utilization of raised stamps instead of usual stamps is suggested along with deeds assortment due to procured and distributed in office system by a source. The stamps which are not easy to made by usual persons and signature use together with the said stamps are factors for prevention of forgery
- Utilization from special celeron study about proper and important documents
- To produce all office deeds in 2 copies and scanning one copy in computerized system due to adopt it and announce its accuracy for assimilation of deeds by probable felonizersan deeds addressees

At present for composition of figures, usage of adhesive on it is even observed by usual people, especially about cheques certainly it is advance from can be done by utilization of celephon (plastic) and entrance of proper sets.

Surely, using it about important deeds should be done through 2 traits. Firstly, to supply for all easily. Secondly, the least scrawling and temperedness censes some prints on it. For the time being about some deeds like new birth certificates, this method is applied. To increase dangers of crime commitment via:

- Reinforcement of systems related to forgery recognition (physical-chemical). In police and data systems and utilization of x-rays due to distinguish rewriting and scrawling. Surely, existence of the said sets causes that professional forgers make sure any making or rewriting will be detected by sources
- Periodical supervision of the existing deeds in offices with the purpose of detection any forged deed. To exit important governmental documents in various times, even in the timeless deeds (such as birth certificate and university certificates) and issuance of new documents instead of it
- Researchers hope to witness crime decrease and reducing forgery of governmental and public deeds through, above mentioned procedures which have spread at the present at the present time

## CONCLUSION

In this study, besides social preventions, several thematic procedures schwas anti citation for office special study application stapler instead of stamp, signature education to employees, leaving affairs of decals to special part utilization of coding system and studyless office system have been found effective.

**REFERENCES**

- Goldin, L. and OECD, 1990. Comparative Advantage: Theory and Application to Developing Country Agricultural. Organisation for Economic Co-operation and Development, Paris, pp: 43.
- Greenaway, D. and C. Milner, 2003. Effective protection, policy appraisal and trade policy reform. *The World Econ.*, 26: 441-456.
- Herd, R.W. and T.A. Lassina, 1976. The domestic resource cost of increasing Philippine rice production. *Food Res. Institute Stud.*, 15: 2-2.
- Masters, W.A. and A. Winter-Nelson, 1995. Measuring the comparative advantage of agricultural activities: Domestic resource costs and the social cost-benefit ratio. *Am. J. Agric. Econ.*, 77: 243-250.
- Shabuddin, Q. and P. Dorosh, 2002. Comparative advantage in Bangladesh crop production. Mssd discussion paper No. 47, International Food Policy Research Institute, Washington, DC USA., <http://ageconsearch.umn.edu/bitstream/16220/1/ms020047.pdf>.
- Srinivasan, T.N. and J.N. Bhagwati, 1978. Shadow prices for project selection in the presence of distortions: Effective rates of protection and domestic resource costs. *J. Political Econ.*, 86: 97-116.