



Examination of the status of the official document setting in car transfers from the point of view of the interpretation of the rules

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Examination of the status of the official document setting in car transfers from the point of view of the interpretation of the rules

Mahdi Masoumi^{1*}, Abbas Ramezani SiahkalRoudi²

1 Islamic Azad University, mahdimasoumi.law2018@gmail.com

ABSTRACT

The review of the status of car registration in car transfers from the point of view of the interpretation of the laws has become a controversial discussion in the field of public services between law enforcement and non-law enforcement agencies. On one hand, legal experts, according to the law, believe that the registration of a car document should only be done at the notary office; On the other hand, the police according to the law that obligates the owners of vehicles that before transferring any car to a registered office they have to go to notary office centers and decide to remove or install the license plate; It is considered a sufficient criterion for the issuance of documentary evidence to car owners and says since any government document is a documentary evidence, therefore, these certificates are legally valid and are considered official documents. In this research, using the descriptive and analytical method, we adapt the results obtained from the rules and regulations of the subject and explain the theoretical and practical position of the subject under discussion. Therefore, from the point of view of the fact that the regulation of vehicle documents in the documentary offices is of a special nature for the observance of the rights of third parties and the rights of the state.

Therefore, it is suggested that the legislature terminate with more precise and clear rules and by mentioning the duties of both reference, in isolation from interference and chaos.

Keywords: Documentation, Vehicle Transfers, Law Interpretations, Contradiction of Laws

¹ Responsible Author



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1. INTRODUCTION

One of the important legal issues is the evidence that is of particular importance in the current society as a result of conflict of laws and jurisdiction of relevant authorities. Looking at the rules of the law of registration and examining the results of its implementation, it is clearly apparent that the purpose of these regulations is to establish a legal order in financial relations and transactions of persons as much as possible, to resolve the ambiguities and eliminate the source of conflict, and to reduce the scope of disputes and disputes as well as providing the aristocracy and control of the ruling power over property and transactions, and the possibility of planning and decision-making in the administration of the country.

By documenting the opportunity to discuss and dispute the accuracy of the date, the originality of the content and ownership of the interlocutors and the signature of the documents (Article 70 of the Registration Law) and the official document implies a particular person as a clear and vague reason for the realization of a transaction and the obligation or property of a certain person as well as the official registration of the necessary documents for the establishment and implementation of tax rules for transactions and the development and development of infrastructure on the other; Among the objectives of requiring the registration of car dealings in a documentary office, in addition to the objectives of preventing the owners from exploiting them through conflicting transactions and receiving misplaced and frequent withdrawals as a sum of around multiple transactions, these goals are by no means the most important goal.

Given the rules and principles of the law and the above-mentioned objectives and that the subject of this research is a community-based issue, it should be determined whether the competent authority is to establish the vehicle's documents and what is the basis of its legal competence?

In order to resolve the controversy and conflict between the notary offices as claimants, the registration and registration of documents and transactions, law enforcement agencies and drivers as drivers of discipline and traffic facilitators, which of the rules and legal principles should be cited?



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On the other hand, the competence and position of the official bureaux should be considered as the sole authority to regulate the documents, in particular, the documents of the automobile, in terms of legal principles and rules, and whether the regulation of the vehicle's documents is subject to the responsibilities and competencies of this reference? Therefore, considering the importance of the issue and the need to reveal the legal status and authority of each of the institutions involved in the regulation of vehicle documents and the authentication of vehicles, including the headquarters of notaries, lawyers, law enforcement agencies and driving and given the fact that no research has not been done in this field, it was decided that, based on the laws and rules and legal principles of the subject, investigate issues related to whether or not to require official registration of vehicle documents and to be made available to institutions such as law enforcement and military, traffic police and the headquarters of notaries and officers as the main institutions involved in this matter, as well as in jurisdictions such as the courts for determining the title and ownership of the vehicle owner and insurance companies for payment of compensation for financial and physical damages and legislative authority to fix the problem and lay down new rules. In addition, due to the high qualities and privileges of the official documents as well as the legal and inherent position of the notary offices in arranging the documents, the settlement of the documents in these offices is more legal and more legal in different ways and until the legal assignment of the issue in the chapter of reference for owners and car buyers for legal implications, the regulation of the document in the notarial offices can be practically effective.

It seems that the existing and apparently controversial laws and regulations governing the dispute also suggest a stronger reason for the competence of the notary's offices to regulate the car's document against the jurisdiction of the police, whose intrinsic duty is merely to establish a social discipline.

2. PROBLEM STATEMENT

An examination of the location of the cartel in car transfers has become controversial. On the one hand, legal experts, in accordance with Article 29 of the Law on traffic offenses adopted in 2010, state that the registration of a vehicle's document must be done only at



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the notary's offices, and the issuance of an identification card issued by the police is inadequate. On the other hand, the police, using paragraph 2 of the statute of law on Article 29 of the Law on traffic offenses, which holds vehicle holders before any car transmissions in the official bureaux to go to the traffic police departments and decide to remove or install the license plates. It is a sufficient criterion for issuing documents for car owners and they say that because any government document is official documents, so these certificates are legally valid and are considered documents and there is no need to go to the official documents office (Brunner and Ganga-Contreras, 2017). Long ago, this decision and action of the law enforcement agency have caused confusion among the people and the heads of the official bureaux, as well as the decrease in government and official bureaux.

Another point is that some believe that the registration of a vehicle document is only in the competence of the official documents office, and in some legal comments, the law enforcement agency has the right to facilitate and facilitate the administrative work of the public. There have been various debates and meetings during the recent months between the police and the headquarters of the editors and the lawmakers, but it has not been effective. (Malmir et al., 2013). Whatever The outcome of this conflict be resulted, it must be acknowledged that the source of the challenge is the conflict of laws and qualifications, and the silence of the legislator and the large regulatory authorities and the ambiguities contained in the laws and executive directives reflect the fact that the unwillingness to pass explicit, clear, transparent rules, and in the framework of the duties of each institution can lead to many administrative and social problems.

In our research, in fact, our main question is which of the above-mentioned authorities are competent to regulate the transfer of vehicles and what are the documents and reasons for this matter?

3. RESEARCH LITERATURE

3.1. Document definition

The document in the word means "the support, the things behind what they trust and what they trust" ... In Arabic, the weight of the verb is "adjective", and in the sense of "Article



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1284 "The document is any of the writings that can be cited as lawsuits or defense."
(Shams, 2008)

2.3. Definition of the official document

Documents officially registered with the Office of Registration of Documents and Real Estate, or of non-official bureaus, or with other official agents within the limits of their competence and in accordance with legal requirements. (Article 1287 AD). In this way, we can categorize the official documents into three categories:

- 1) Documents drawn up at the agencies of registration of mortgage documents, such as the certificate of ownership and executive register.
- 2) All documents that are set up at the notary's offices, such as all transactions and contracts that the parties have written and set up in the notary's office.
- 3) Documents set up by other official officials within their jurisdiction and in accordance with legal provisions such as marriage and divorce documents, birth certificates, national cards, passports, certificates and the like.

3.3. Definition of notary bureaus and the role of head office in arranging documents

The purpose of the establishment of notarial bureaus is mainly tuning and adjusting the financial affairs of the people which has a significant impact on ensuring the legal security of the community and the lawfulness of each of the deals and securing the health of transactions and preventing conflicts, the uncontested conflicts caused by the lack of conformity of the parties' interests with the laws of the country and the non-registration of documents.

4.3. Vehicle and its transfer

Vehicle: As defined in Article 51 of the Vehicle Code of Conduct, it is defined as: (any type of vehicle that can be driven in a way that is driven by an engine, excluding rail vehicles).

The traffic offense law has been updated after 40 years, and since May 2011 it has been run by the traffic police. However, the interpretation of Article 29 of this law remains a matter of dispute between the Traffic Police and the State Registration and Property



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Registration Office. According to this article, "Car transfer is done according to the official document,

The police believe that the green paper, issued on the basis of information and inquiries, will be issued at the centers for the separation and replacement of vehicle license plates and numbers.

And citizens do not need to record the process elsewhere and in another document by spending more time and money but the organization of registration of documents relying on the same rule believes that the duty of the police is numbering and changing the plaque and these are non-official bureaux that are competent for the official registration of car dealerships.

5.3. Reasons for the police regarding the authority to regulate the car document

- 1-The close connection of the car related issues with the police.
2. Referring to Article 1287 of the Civil Code and the Uniform Article of the Amendment Act (22), the law of transportation and transit of foreign goods from the territory of the Islamic Republic of Iran.
3. Citation to the terms of Article 29 of the Law on traffic offenses adopted in 2010.
4. The competence of the police with regard to the issuance of green leaves.
5. Non-mandatory setting of the official document of the car at the notary's offices according to the registration regulations.

6.3. Reasons for the lack of official documents in automobile documentation

1. Competence in accordance with the law.
2. Competence based on legal and substantive issues.
3. Rational reasons.
4. Reasons based on opinions of the legal and judicial authorities.

7.3. Positive and Negative effects of the Document by the Police

Positive Effects:

The privatization and outsourcing of government duties, like some of the cases that the police and law enforcement outsourced them.



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Automobile Vehicle Settlement The follow-up of plaque replacements in these centers can meet public demands in line with e-Government goals.

Negative effects:

Document Setting by Non-Specialist Reference.

Creating legal problems for vendors and car buyers.

Individuals' referrals to the judiciary have expanded, leading to increased judicial cases and even prosecutions.

8.3. Documentation works by notary offices

These works include the benefits of setting up a formal vehicle document around the document and the benefits of setting up an official vehicle document for others, including the public and the government.

4. RESEARCH BACKGROUND

Regarding this issue, so far, no investigation has been conducted on the issue that is related to the competence of the regulating bodies of the vehicle, and more research is related to the duties of the editors and the relevant laws and arguments related to the proof of the claim, and in particular the discussion of the documents. Therefore, in particular, this research does not have a background with the subject, but from the theoretical point of view, it should be said:

A notary or office, or a civilian institution that has begun its civil activities in order to regulate contracts, contracts and official registration of documents in Iran. This institution is affiliated with the Organization of Registration of Documents and Property of the country and the Judiciary of Iran, but independently and without financial dependence on political governance. The Notary's Office is a legal and civil center for the sovereign and citizenry interface; The most important work of this institution is to provide and guarantee the legal and economic security of the society. The notary at the head of this institution personally has a responsibility independent of the government and the ruling power and by accurately setting the documents, it has a significant and significant role in the provision of accounting services, the regulation and registration of official documents and on the other hand, in our country, the legislator, in accordance with Article 29 of the Law



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on traffic offenses adopted in 2010, considers the necessary condition for the sale and transfer of a vehicle to another, the authenticity of the vehicle and the identity of the buyer and seller and the police have issued an official vehicle document on the basis of this article and legal authorities of the police on the basis of the text of the negotiations of the Islamic Consultative Assembly on March 8, 2010 regarding Article 29 of the Law on traffic offenses that it is not obligatory to register vehicle records in country offices, the issuance of a Vehicle Identification Card is in its jurisdiction and justifies it.

Research goals

1. Familiarity with the official document and the rules and rules governing them.
- 2- Understanding the existence of differences and contradictions in the law.
- 3- Reviewing the useful tools for further development of the official document.

Research questions

Main research questions:

1. What is the institutional authority for setting up a vehicle's document and what is its legal basis?
2. What are the applicable legal rules for resolving the conflict?

Research Sub Question:

1. What are the qualifications and status of the official documents in the regulation of documents and in particular the vehicle document in the rules?
2. What is the law enforcement authority about the authenticity and identity of the vehicle and its document setting?
3. The lawfulness of the law enforcement authority in Article 29 of the Law on traffic offenses also includes the regulation of a vehicle's instrument, and can it replace the official documents office that have the inherent jurisdiction to regulate the documents?

Research hypotheses

The main hypothesis:

It seems that due to the high qualities and privileges of the official document, as well as the legal and inherent position of the notary offices in arranging the documents, the official document of the car in these offices has more legal privileges and in different legal ways



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is more beneficial to the owner of the car and This hypothesis is more consistent with the order of stability and stability in transactions.

Sub-hypothesis:

It seems that the existing and apparently controversial laws and regulations governing the debate also suggest a stronger reason for the jurisdiction of the offices in setting up a car document in relation to the competence of the law enforcement force (whose core function is essentially the other matter).

5. RESEARCH METHOD

In this research, the descriptive, analytical, and inductive methods are used, and the results and its achievements are adapted to the laws and regulations of the country and in particular related laws, and the theoretical and practical position of the discussion in the thematic laws is well explained.

The method of collecting information based on library research and the use of Internet articles and resources and information gathering tools has also been linked to credible sources and judiciary opinions that have been dealt with by a descriptive-analytical approach and referenced to relevant laws.

Information Analysis Method

Describing and analyzing topics, comparing and matching and inducing are the most important methods of analysis in this study, while in this method special attention has been paid to the history and negotiation of related legislation.

The necessary information is gathered, analyzed and compared, and from the background of previous discussions and rules and basic rules and techniques such as induction and other principles of inference, it is assisted and concluded. Finally, due to the specific approach and goals of the subject, which is the aspect of its innovation, it is explained and examined and by identifying similarities and related issues as well as deficiencies in the relevant law, there are solutions that can be used by stakeholders to address the existing challenges.



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6. DISCUSSION AND CONCLUSION

Although the regulation of the document in the affiliated police centers with legal accreditation to the documents established in the said centers can bring benefits such as facilitating public affairs and speeding up work, but, due to the existence of conflicting and invalidity regulations in the centers mentioned in the courts and the authorities, it is difficult for the law enforcement authorities to regulate the transfer of vehicles in the current legal order of the transmitters and recipients.

By reviewing the legal provisions, although some laws may in some way justify the competence of police forces to regulate a car document, but by reviewing more and referring to the latest valid rules as well as the use of interpretative principles and paying attention to the views of the competent administrative and judicial authorities, it can be said that the notary offices are the competent authority for setting up a car document.

Due to the work of the document setting, the acceptance of the authority of the official bureaux for the regulation of the vehicle's document can provide the car dealers with the rights of the car dealers in cases of conflict and refer to the law enforcement agencies more fully. Also, given that the place of supplying some public rights to the public and public authorities regarding the transactions is the office of the notary, the regulation of the car's document in the said offices can guarantee the rights.

Therefore, considering that the regulation of the document in the official bureaux, in aggregate, for the rights of the parties to the car dealership and the rights of the state, has more privileges than the same in the police affiliated centers and now, due to some ambiguity in laws and regulations and practices that are inconsistent in the two references, it is suggested:

The legislator will conclude explicitly and clearly with the separation of duties for both of these references to the possible interference caused by the operation of the abovementioned authorities.

Also, due to the competencies and legal duties of each reference (law enforcement and official bureaux) it is desirable that the lawmakers carefully identify the limits of the performance of each reference and, by reviewing the statutory tasks, put each way into



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any misinterpretation, and place the car around the transaction in a clear and precise manner for the relevant actions.

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