

Research Article

ELUCIDATION AND ANALYSIS OF THE ISSUE OF CHALLENGING THE AUTHENTICITY OF DOCUMENTS

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ABSTRACT

The purpose of the present study is to explain and analyze the issue of document authenticity. The research method is descriptive-analytical and uses library resources. In examining the legal bases for challenging the authenticity of documents, it was found that the Civil Code and the Civil Procedure Code of Iran have established a relatively clear framework for the validity of documents and for handling objections to them. According to these regulations, a document, as a writing that can be relied on as proof in a lawsuit, is valid if its attribution to the issuer is proven. The principle of authenticity of documents, especially in the case of official documents, is one of the important principles that causes courts to assume the presented documents to be valid initially; however, the possibility of objecting to the authenticity of these documents through tools such as denial, doubt, and allegations of forgery has been provided to prevent injustice. During this study, it became clear that there are significant differences in substance and form between the types of objections to the authenticity of documents. Denial is usually raised when a person does not accept a document bearing his name and claims that the signature or writing does not belong to him. The results showed that the timing and manner of objecting to the authenticity of a document are very important in the trial. The Civil Procedure Code stipulates that these objections must be raised at the earliest possible opportunity. Another important finding of the research was the examination of the effects of accepting or rejecting an objection to a document's authenticity in the judicial process. If the court finds the objection to the authenticity of a document to be valid, the document in question is excluded from the list of evidence. It cannot be used as the basis for issuing a verdict.

INTRODUCTION

From a legal perspective, not all documents are equally valid. Depending on its subject matter, a document binds the person who has signed it and their legal successors, since it is presumed that the signatory, aware of its content, has signed it. Articles 1290 and 1291 of the Civil Code address this issue in relation to both official and private documents. Because government officials prepare official documents within their legal authority and in compliance with legal procedures, the legislator has granted them special evidentiary value, and the presumption of authenticity applies to them. In contrast, private documents do not enjoy such a privileged status (Niknejad, 2023).

In litigation, challenging the authenticity of a document is one of the important defensive mechanisms a party may raise to prevent it from being relied upon. This objection is usually made when one party challenges the authenticity of a document presented by the opposing party. Proving the authenticity of a document is essential to ensure the court's confidence in its content. An original document bears the signature, seal, or fingerprint of its issuer. Some define an original document as one in which information is recorded for the first time, or a handwritten document from which other copies are derived. If multiple copies of a document are prepared at the time of drafting and all are signed, each is considered an original. Similarly, if multiple copies are produced via typewriter or computer and each is signed, each signed copy is an original. In contrast, other copies are considered duplicates if they do not differ from the original (Shahbazi et al., 2009).

In litigation, the validity and authenticity of documents are among the most important evidentiary bases of claims. Whenever a party doubts the genuineness or attribution of a document, an objection to its authenticity is raised. This objection may take the form of denial, doubt, or allegation of forgery, and its purpose is to prevent the court from relying on a document that is considered invalid or unreliable by the parties. The importance of this issue lies in the fact that many rights and obligations are based on documents, and even minor defects in a document can change the outcome of litigation.

The process of objecting to the authenticity of a document is governed by specific formal requirements set out in the Civil Procedure Code. The party objecting must present it at the earliest opportunity during their defense and, if necessary, provide supporting evidence such as expert examination, handwriting samples, or other indications. The court is also obliged to determine the authenticity of the document after reviewing the evidence and circumstances. Since accepting or rejecting such objections directly affects the proof process in litigation, understanding the nature, conditions, and effects of objections to document authenticity is essential for legal practitioners and litigants alike.

The necessity of recognizing the right to challenge the authenticity of documents stems from the need to maintain public order and ensure the proper administration of justice. In an evidentiary trial system, if the validity of documents is questioned, the court must carefully and decisively investigate their authenticity through technical examinations and expert analysis (such as signature, handwriting, or seal comparisons). This ensures that evidentiary value is not accepted merely based on appearance and prevents the misuse of fraudulent documents. Consequently, effective acceptance and examination of authenticity objections not only benefit the objecting party but also strengthen the credibility of the judicial system and increase public confidence that judgments are based on accurate facts and valid evidence. In other words, this right functions as a legal filter to eliminate fraudulent and inaccurate evidence. Accordingly,

the purpose of this study is to elucidate and analyze the issue of challenging document authenticity.

THEORETICAL FOUNDATIONS OF THE RESEARCH

Restrictions on Challenging Document Authenticity

The set of defensive means encompassing any reaction by a party to a lawsuit is referred to as “defense in the general sense.” However, if a person, in the position of the defendant, responds to the claim and the plaintiff’s allegations by presenting arguments and defending themselves on the substance of the dispute, this is termed “defense in the special sense.” Defense in the special sense is aimed at proving the plaintiff’s lack of entitlement and obtaining a judgment against them. Such defense may sometimes require initiating an independent claim and cannot always be presented merely as a written or oral response to the lawsuit, as in cases of counterclaims (Madani, 1979). Another important defensive tool is the use of “objections” (iradat). In objections, the defendant, without explicitly accepting or rejecting the claim, challenges the procedural aspects of the lawsuit. For example, the defendant may state that the case has been filed in a court lacking jurisdiction and is therefore inadmissible, or that the plaintiff lacks legal standing, and thus no response will be given to the claim. Although objections are not defined in the Civil Procedure Code, legal scholars classify them among the “procedural incidents of litigation.” The term “procedural incidents” refers to unforeseen and sudden events that arise during proceedings and affect their course (Shams, 2010).

Events that interrupt the proceedings. The break caused by objections is sometimes short and can be resolved, and sometimes it results in the lawsuit being dropped. For example, an objection to the plaintiff’s position, assuming that he has presented the court with proof of the legality of his position - for example, his guardianship - causes a short stop in the proceedings; because in the consideration of any civil lawsuit, the plaintiff’s position must first be proven and the person in office must intervene in the lawsuit, but an objection to the validity of a final order - if its validity is established - eliminates the lawsuit. In short, as some jurists have also expressed their opinion. Objections either stop the lawsuit or eliminate it. Another characteristic of objections, as a means of defense, is that some objections are such that commenting on them relieves the judge from commenting on the substance of the matter, such as the objection to the validity of a final order that leads to the issuance of an order not to hear the case. Some objections are such that commenting on them does not relieve the judge from commenting on the substance of the matter. In this case, the judge can continue the proceedings and comment on the objection when addressing the case.

The plan to attack the document also creates problems for the court. The most important of these problems is the suspension of the proceedings of the main lawsuit, the commencement of the proceedings of the collateral lawsuit, and the tasks arising from the latter. All of these cases cause delays in the proceedings and create a concentration of work and activity for the court (Vahedi, 2010). Therefore, we conclude that the limitations of document tampering, in the sense of the effects, duties, and problems that arise from document tampering for all parties involved in the case, such as the parties, third parties, and the court, are very extensive. It is essential that the legislator, as well as the courts and parties, pay due attention to this matter so that they do not create the above problems by unjustifiably planning tampering or creating the

possibility of doing so without justification (Madani, 1987).

In adversarial challenges, the person against whom a document is presented reacts without necessarily denying or accepting the claim. This reaction is directed at the structure and form of the document and may take the form of denial or allegation of forgery. Denial of a document can occur in two forms: denial and doubt (Sadrzadeh, 1990).

In a defensive attack, the person against whom a document has been presented reacts to the claim. In this way, the claimant claims the invalidity of the claim document. The reasons for the invalidity of the claim document can be different, such as conflicts between the provisions of the document and the law, public order, and good morals, as stated in Article 1288 of the Civil Code. "The provisions of a document are valid if they are not contrary to the laws." Also, the claim that the provisions of the presented document are contrary to reality, on the one hand, and the claim of their fulfillment, on the other hand, and even, in some cases, silence regarding the provisions and content of the presented document, can be considered types of defensive attacks.

Grounds for Challenging the Authenticity of a Document

In principle, the grounds on which a document may be considered defective in its authenticity fall under three categories: (a) allegation of forgery, (b) denial, and (c) doubt.

In forgery, the claimant seeks to prove the existence of a true heart regarding the appearance or content of the document, and this claim can be made against any document. Article (523) of the Criminal Procedure Code uses forgery and falsification interchangeably and does not distinguish between them. This transformation is of two types: material forgery and spiritual forgery. The definition of forgery includes various issues, each of which can be a specific title for forgery, but dividing forgery claims on this basis is useless, because all of them are the same in terms of effects and conditions of proceedings. The specific nature of the claim of making a seal, scratching a signature, and adding a phrase to a document is not so important that it can place each of them in a group. For this reason, only these two divisions are sometimes mentioned in material forgery, and explicit and implicit signs are visible in the laws (Katouzian, 2003).

Denial refers to the explicit rejection by the person to whom a non-official document is attributed of the authorship of handwriting, signature, seal, or fingerprint contained therein. Doubt, on the other hand, refers to the non-acceptance by a third party of the attribution of handwriting, signature, seal, or fingerprint in a non-official document (Diani, 2008). In electronic evidence, this manifests as a denial of the attribution of the electronic signature affixed to the document. Thus, denial is the declaration that handwriting, seal, signature, or fingerprint in a non-official document does not belong to the person to whom it is attributed, and it is expressed using the term "denial." For example, if a lawsuit is filed against a cheque issuer for payment of one hundred million rials, and the defendant does not wish to accept the signature as their own, they may deny it (Hadadian, 2016).

"Doubt" refers to the situation in which a third party does not accept the attribution of handwriting, signature, seal, or fingerprint in a non-official document to the person concerned. The use of the term "doubt" stems from the fact that the challenger, as a rule, cannot state with certainty that the document does not belong to the attributed person and therefore expresses hesitation. For instance, if a claim is brought against heirs based on a non-official document attributed to a deceased person, and the defendant (heir) does not accept its authenticity, they

may express doubt regarding it (Shams, 2013).

The first distinction between denial and doubt is the one already reflected in their definitions. A party against whom a document has been presented, and to whom the document is attributed, if wishing to challenge its authenticity in the form of denial or doubt, must use the term “denial.” If instead the term “doubt” is used, the court will not give it legal effect. Conversely, if the document is attributed to another person, the appropriate term is “doubt.” The second similarity concerns the timing of denial or doubt. The expression of denial or doubt regarding submitted evidence and documents must, as far as possible, be made up to the first hearing session. If the party denies the document during the hearing or remains silent regarding its authenticity, the legal effects of denial or silence will apply, depending on the case. In situations where the court issues a judgment without the defendant’s defense, the defendant may, in objecting to the judgment, declare denial or doubt to the court. With respect to documents relied upon at the objection stage, denial or doubt must also be expressed up to the first hearing session (Article 217 of the Civil Procedure Code). According to this provision, denial and doubt must, as far as possible, be raised by the first hearing session. It has been stated that “up to the first hearing session” refers to the period starting from the filing of the lawsuit and ending at the first opportunity granted to the relevant party during the first court session to present their defense and respond to the opposing party’s arguments (Shams, 2010).

For the court to examine denial or doubt, the document must be non-official (private), and the denial or doubt must be expressed within the legally prescribed time, as previously explained. Moreover, if the person raising the denial is a lawyer, they must have explicit authority (power of attorney) to do so. In addition, two further conditions must also be met. Indeed, according to Article 218 of the Civil Procedure Code: “In response to doubt or denial, whenever the party presenting the document withdraws it, the court shall refer to other documents and evidence. The withdrawal of the document shall not be considered proof of its invalidity. If the holder of the document does not withdraw it, the court is obliged to examine its validity.” The party presenting the document usually withdraws it in response to denial or doubt, either because they fear that its authenticity cannot be proven, or because they consider their other evidence supporting the claim to be sufficiently strong, such that subjecting the document to an authenticity review—which typically prolongs and complicates the proceedings—is deemed unnecessary.

Judicial Process of Examining Document Authenticity

Part of the relevant provisions concerns the conditions and prerequisites for examining authenticity, while another part deals with methods of examination.

The court initiates an examination of a document's authenticity only when it is challenged, and the challenge is made within the legally prescribed time and with the appropriate legal designation. The examination of the authenticity of the challenged document requires that the party relying on it, as the case may be, present the original document to the court within the prescribed time or submit it to the court registry. Moreover, following a challenge to the document's authenticity, the party relying on it must continue to rely on it; consequently, if the document is withdrawn, the examination of its authenticity becomes moot due to its removal from the body of evidence. Even when all of the above conditions are satisfied, the court will proceed to examine the authenticity of the document only if it is material to the dispute.

If the court, upon a challenge to the authenticity of a document, establishes that all such

conditions are met, it must formally declare the initiation of the examination of the document's authenticity; otherwise, it shall proceed with the main proceedings without regard to the challenge and must, in its judgment, provide a reasoned explanation for not examining the authenticity of the document, based on the absence of one or more of the required conditions. The existence of the conditions for such examination is not usually explicitly declared; rather, the court implies their fulfillment through the issuance of a decision to proceed with the examination of authenticity. This is a simple judicial decision and therefore neither needs nor should be issued as an order, since decisions that must be issued as orders are explicitly or implicitly provided for in law. Nevertheless, most judges issue it in the form of an order under the title "order for examination of document authenticity." Whether issued as an order or as a simple judicial decision, the legal effects of such a decision remain the same, and its form does not affect its validity. In fact, there is no doubt that such an order is considered an interlocutory order, and therefore, like other interlocutory orders, it must be reasoned, is not subject to formal transcription, is not notified to the parties, is not independently appealable, and withdrawal from it is generally considered a procedural violation except in exceptional cases; however, such withdrawal does not in itself lead to the annulment or reversal of the judgment. All of the aforementioned characteristics, rules, and effects also apply to simple judicial decisions.

Following a denial, doubt, or an allegation of forgery regarding a document, and upon issuance of an order to examine its authenticity, the court directs the proceedings toward determining its authenticity. In the current law, the methods for examining the authenticity of a document are provided in Articles 223, 224, and 226 of the Civil Procedure Code, and in this regard there is no distinction between the types of challenge; in other words, regardless of whether the document is challenged through forgery, denial, or doubt, the same provisions are applied for determining its authenticity. Although these provisions indicate that the only method for establishing the authenticity of a disputed document is the comparison of its handwriting, seal, signature, or fingerprint with those contained in documents considered "undisputedly issued" (musallam-al-sudur documents), such undisputed documents may themselves be identified through the same provisions. However, under the former law, various methods for determining the authenticity of a challenged document were set out in detail in Articles 393 and subsequent provisions.

Accordingly, it is appropriate to examine the methods of determining the authenticity of a document in light of this matter. The first method for determining the authenticity of a challenged document is to compare its content with other documents and evidence. According to paragraph 1 of Article 393 of the former law, "comparison of the content of the document with other documents and evidence" was one of the methods for establishing a document's authenticity. This method is not prohibited under current law. In relation to this paragraph, Article 394 of the same law provided that: "In comparing a document with the contents of other documents, documents must be selected whose validity has been established or is acknowledged by the opposing party" (Matin, 2002). For example, a plaintiff brings a claim against a seller based on a private document alleging the purchase of property and demands its delivery. The defendant challenges the authenticity of the document (denying or alleging forgery). To determine the authenticity of the document through this method, reference is made to another document or piece of evidence that confirms the disputed document's content, namely the purchase of the property, such as a cheque issued as payment for the price of the property, which the buyer has cashed.

The second method of determining the authenticity of a document is the examination of

witnesses and informed persons who have attested to the document or have seen its signature or seal being affixed. By using this method as well, the court does not focus on a physical comparison of the handwriting or seal with those of the alleged signatory; rather, it examines whether individuals have personally witnessed the person concerned signing the document or placing their seal on it. This method, for the same reasons mentioned above, is also one of the approaches that may be applied and can neutralize attempts by individuals who falsely authenticate a document through forged signatures or seals and later challenge its authenticity in court (Abdeh, 2009).

The comparison of handwriting, signature, seal, or fingerprint of the challenged document with “undisputed documents” is the most common and widely used method. According to paragraph 3 of Article 393 of the former law, “comparison of the handwriting and signature of the disputed document with the handwriting and signature of documents whose authenticity has been established and is valid.” In relation to this paragraph, Article 396 of the former law provided that, in comparing handwriting, signature, seal, or fingerprint, documents must be selected as the basis for comparison that are agreed upon by the parties. In the absence of agreement, the following documents shall serve as the basis of comparison:

1. Handwriting, signature, seal, or fingerprint on official documents or records of notaries
2. Handwriting, signature, seal, or fingerprint contained in documents related to court proceedings.
3. Handwriting or signatures of official persons in official documents.
4. Private documents whose handwriting, signature, seal, or fingerprint has previously been acknowledged as authentic.

If part of the disputed document and another part of it are undisputed in terms of handwriting, the court may use that undisputed part as the basis for comparison.

Accordingly, the party who, as the case may be, is required to prove the authenticity or falsity of the document submits to the court a document of established issuance, so that the handwriting, signature, seal, or fingerprint of the disputed document may be compared with it. In examining this method, two points must be considered: “documents of established issuance” and the person performing the comparison. Documents of established issuance are those documents whose issuance is deemed certain and which may serve as a basis for comparison. Although this term is not explicitly used in the law, it has been consistently applied by the courts. In the new law, a reverse approach has been adopted; namely, Article 223 explicitly provides that: “The handwriting, seal, signature, and fingerprint of ordinary documents which have been subject to denial, doubt, or an allegation of forgery may not be used as a basis for comparison, even if a judgment of validity has been rendered regarding them.”

If the parties agree on the selection of a document, that document may serve as the basis for comparison, even if the legislator does not regard it as a document of established issuance in the absence of agreement. For example, if the defendant raises doubt as to the authenticity of a promissory note attributed to his predecessor and the parties agree that another promissory note, cheque, or private letter bearing the signature of the predecessor shall serve as the basis for comparison, the court must adopt it as the basis of comparison. According to the meaning of Article 223, the contents and substance of an ordinary document submitted in a case, the authenticity of which has not been challenged, may serve as the basis for comparison, and the

court is obliged, upon the request of an interested party, to obtain the case file thereof. It is clearly inferred from Article 223 that the contents and substance of an official document may serve as the basis for comparison, since its authenticity is presumed unless proven otherwise. Likewise, if a part of the disputed document and another part thereof are undisputed in terms of handwriting, the court may use that part as the basis for comparison, as that part is regarded as “of established issuance.”

There are specific provisions that should be mentioned in the handling of a claim of forgery. On the other hand, it was said that forgery may be material or substantive; therefore, it was deemed appropriate to examine separately the provisions common to material and substantive forgery and what is specific to substantive forgery.

If a claim of forgery is made in a legal case without identifying the forger, the court, in accordance with the meaning of the first sentence of Article 227 of the Islamic Code, will only consider the claim of forgery and cannot consider and decide on its criminal aspect. Under Article 386 of the old law, the court was obliged to inform the prosecutor if it issued a decision finding that a document was forged. This is not foreseen in the new law, and even now that the prosecutor's office has been revived, the court, as a court, has no obligation in this matter. On the other hand, proving the forgery of a document indicates that the person who presented it used a forged document; however, not only can the court not address this issue in a legal case, but it also has no obligation to inform the prosecutor's office.

"If the claimant of a forged document in a legal dispute accuses a specific person of forging the document relied on, the court shall hear both claims together" (Article 227 of the Civil Code); therefore, hearing the criminal aspect of forgery in a court hearing a legal dispute requires determining the forger. This text was approved at the time of the dissolution of the prosecution and the "public" nature of public courts; however, pursuant to Article 3 of the amended Q. T. D. A. A. approved in 1381 and in accordance with Article 4 of the amended Q. T. D. A. A., in accordance with Articles 38 and 39 thereof, in the areas where the aforementioned law is implemented, the prosecution is established (revived). The various branches of the public court are divided into civil and criminal.

“Whenever, during the course of the proceedings, the court becomes aware of a claim of forgery related to a legal case in another court, the matter shall be brought to the attention of the head of the judicial district so that he may make a decision, taking into account the precedent, to refer the case for joint proceedings.” (The final part of Article 227 of the Iranian Criminal Code); Therefore, if a branch in which a claim of forgery is made against a legal case document, becomes aware of a complaint of forgery filed against the same document in another branch or even the use of a forged document, it must bring the matter to the attention of the head of the judicial district for joint proceedings in one branch. In this way, the issuance of conflicting opinions by different branches of a district court regarding the forgery of a document is prevented.

“If a legal case is pending, the final criminal verdict regarding the authenticity or forgery of the document will be binding on the court...” (Article 227 of the Iranian Criminal Code). This arrangement is based on the rule of “the primacy of criminal verdict over legal judgments.” The use of “decision” in the aforementioned text is not without negligence. In fact, what has precedence over legal judgments is a final criminal “judgment,” and criminal orders (for example, an order prohibiting or suspending prosecution) do not have precedence over legal judgments (Karimi, 2013). Therefore, if a final criminal verdict regarding the authenticity or forgery of a document is issued, the court hearing a case in which a claim of forgery has been

made regarding the document must comply with that verdict.

In judicial practice, after examining the authenticity of a document, if the court finds it genuine, the court usually issues a ruling on its authenticity. If, as the case may be, it finds the document to be forged or does not establish its authenticity (i.e., it is not a regular document), it declares this fact and rejects the claim based on the document. In fact, issuing an order to examine the authenticity of a document is one of the indications of the effectiveness of the document being challenged in the lawsuit. The court's decision on the authenticity or forgery of a document, like other judicial decisions, is generally not reversible. "The court cannot, after issuing an order on the authenticity of a document as evidence of the claim (without the previous situation changing and there being a permit to deviate from the previous order), cancel the order on authenticity and consider the document invalid." (Shahri, 2005)

The part of the provisions of Article 227 of the Islamic Civil Code that was examined, especially with the interpretation that was made of it, is such that the possibility of issuing conflicting legal and criminal rulings on the issue of forgery of a document is greatly reduced, but of course it is not ruled out; because by ignoring the cases where the arrangements under consideration are not observed, there is a possibility that after the court of law issues a ruling on the issue of forgery, the same issue will be raised in the criminal authority. This situation especially occurs if the person against whom the document was issued either loses the opportunity to claim forgery in a legal case or even if his claim of forgery in this case is rejected and, having been convicted in the legal case, files a criminal complaint in the hope of winning over his opponent and proving the forgery of the document, and a verdict of forgery of the document is issued in the criminal authority. In another case, the forgery of the document has been proven in court, and the matter has come to the attention of the prosecutor through the claimant or otherwise, and criminal prosecution has been initiated. In each of these cases, it is possible that the criminal court's final ruling on the document's authenticity will conflict with the civil court's ruling on the matter.

Therefore, in each of the aforementioned cases, where two conflicting judgments regarding the authenticity of a document have been issued by a civil court and a criminal court, Article 227 of the Islamic Code of Civil Procedure, based on the rule of "the primacy of the criminal judgment over the legal judgment," states: "If the authenticity or forgery of a document is proven by a final criminal judgment and the aforementioned document is a court document in a legal matter, the final criminal judgment is applicable in accordance with the regulations related to retrials..." Therefore, if all these conditions exist, the interested party can, within the prescribed period, request the civil court to retrial the judgment issued against him based on the document in question in the lawsuit.

On the other hand, while Article 429 of the Criminal Code explicitly states that a "final ruling" of a criminal authority can be used to retry a case from a legal authority, Article 227 of the Criminal Code apparently includes the action in the "provisions for retrying a case". It must be accepted that a request to retry a case in which a "final" criminal ruling is not considered "final" requires that the criminal "ruling" be "final". Article 390 of the Criminal Code also stipulated: "... However, if the authenticity or forgery of a document is proven in the criminal authorities by a final ruling and that document is a document of a ruling issued by a legal court, the criminal authority's ruling on the forgery or authenticity of the document will be applicable in accordance with the provisions on retrying a case...."

It seems that, given the legislator's lack of clarification regarding the judge's mistake and oversight, in cases where there are grounds for retrial, this method can be resorted to, regardless

of whether the judge issued the verdict intentionally or through oversight. Trickery and fraud, the discovery of the forgery of the document on which the verdict is based, and the discovery of a hidden document are also grounds for retrial in law; a brief examination of these cases will be given below.

According to Article 426, Section 5, of the Code of Civil Procedure, fraud and deceit used by the opposing party requesting a retrial, which were effective in the court's ruling, constitute a ground for retrial. According to this section, it is necessary that, firstly, fraud and deceit were used, that is, a fraudulent act was carried out with the intention of misleading the court, and secondly, fraud and deceit were used by someone who was a party to the dispute. The ruling was issued in his favor. Consequently, the opposing party is the applicant for the retrial, and the retrial is requested on his behalf. Therefore, if no fraud or deceit was used, but rather the court itself made a mistake, or the fraud or deceit was committed by someone other than the litigants, a retrial is not possible for this reason. Another point is the necessity of the fraud or deceit having an effect on the court's ruling. The effectiveness of trickery and fraud in the court's ruling means that the issuance of such a ruling was the result of the aforementioned trickery and fraud, in the same way that if there were no trickery and fraud, such a ruling would not have been issued. If, despite the litigants' trickery and fraud, the court's ruling was not affected by it, in the same way it would have been issued without such trickery and fraud, then that trickery and fraud do not cause the ruling to be overturned in a retrial. Trickery and fraud must be revealed after the issuance of a final ruling, because if they are revealed before, the effect on the ruling is eliminated.

In the legal system of our country, proving the falsity of a document that has served as the basis of a court judgment is recognized under Clause 6 of Article 426 of the Civil Procedure Code as one of the grounds for retrial. According to this provision, the document must have been relied upon in the judgment, meaning that it has been explicitly referred to in the court's ruling. It is also essential that the falsity of the document be proven after the issuance of the judgment. Pursuant to Article 429 of the same law, the falsity of the document must be established by a final judgment, and from the date of notification of the judgment declaring the document to be forged, the application for retrial may be submitted within the prescribed time limit. It appears that the legislator has used the term "final" in its technical sense, as opposed to "definitive," since it must always be assumed that the legislator uses legal terms in their established technical meanings.

The ground of forgery is effective in annulling a judgment in retrial only if the document declared forged was influential in the court's decision, in such a way that if such a document had not existed or its forgery had been proven before the issuance of the judgment, the same judgment would not have been issued. Accordingly, although Clause 6 of Article 426 explicitly refers to the necessity of proving forgery after the issuance of the judgment, if the forgery of the document was proven before the issuance of the judgment, subject to retrial but was not communicated to the applicant for retrial, Clause 6 of Article 426 may still be interpreted as covering this situation and retrial may be accepted. This is because, given the lack of notification of the judgment declaring the document forged before the issuance of the judgment subject to retrial, and the applicant's lack of awareness of such a judgment, reliance on it and prevention of the issuance of a judgment based on the document were not possible.

Paragraph 7 of Article 426 of the Iranian Civil Procedure Code declares, as one of the grounds for retrial, the post-judgment discovery of documents which constitute evidence of the applicant's entitlement to retrial, provided that such documents were concealed during the

proceedings and were not in the applicant's possession. The wording of this paragraph differs from Paragraph 7 of Article 592 of the former Civil Procedure Code (approved in 1939), and these changes have expanded its scope. In the former law, it was stipulated that "the opposing party has concealed those documents and writings or has caused their concealment"; however, in the current law, it is stated that "it is established that the said documents and records were concealed during the proceedings and were not in the applicant's possession." Therefore, even if the opposing party played no role in the concealment, a retrial request based on the concealment of a document is possible. Some legal scholars have noted this change and regarded it as positive (Mardani, 1993). It appears that, since no specific characteristic can be attributed to concealment by the opposing party—and since concealment may even be carried out by a third party in collusion with the opposing party—the amendment introduced in Paragraph 7 of Article 426 of the Civil Procedure Code is logical and justifiable. However, it is clear and self-evident that the applicant himself must not have carried out the concealment; therefore, a request for retrial cannot be based on documents which the applicant himself concealed during the proceedings and failed to present or rely upon. It is likely that, for clarification and to exclude this situation, the phrase "not in the possession of the applicant" was added after the reference to the concealment of the document in Paragraph 7 of Article 426.

Discovery of a concealed document leads to the annulment of the judgment in retrial only if it constitutes proof of the applicant's entitlement in such a way that, had the document not been concealed, the judgment would not have been issued in favor of the opposing party, but rather in favor of the applicant for retrial. Therefore, the evidentiary value of the concealed document must be such that, in the presence of evidence in favor of the opposing party, it prevails in the conflict with that evidence.

CONCLUSION

In the judicial system, documents are among the most important means of proof and play a decisive role in establishing or rejecting the parties' claims. Accordingly, the authenticity of a document, as one of its fundamental elements of validity, acquires particular importance. If a document on which a court decision is based lacks authenticity, not only is the outcome of the proceedings distorted, but public confidence in the judicial system is also undermined. For this reason, the legislator has provided mechanisms for challenging the authenticity of documents to prevent the entry of false or defective documents into the judicial process and to ensure the proper administration of justice.

In examining the legal foundations of objections to the authenticity of documents, it was found that the Iranian Civil Code and the Civil Procedure Code provide a relatively clear framework for the validity of documents and the manner of addressing objections thereto. According to these provisions, a document, as a written instrument that can be relied upon as evidence in litigation, is considered valid only if its attribution to its issuer is established. The principle of the presumption of authenticity of documents, particularly official documents, is one of the key principles that leads courts to presume the validity of submitted documents initially. However, the possibility of challenging their authenticity through mechanisms such as denial, doubt, and allegation of forgery is provided to prevent injustice.

This research showed that there are significant substantive and formal differences among types

of objections to document authenticity. Denial is generally raised when a person does not accept a document bearing their name and claims that the signature or writing does not belong to them. In contrast, doubt arises when the document is attributed to a third party and the opposing party expresses uncertainty about its authenticity. Allegation of forgery is considered the most serious form of challenge to authenticity, in which it is claimed that the document has been wholly or partially forged or unlawfully altered. These distinctions are also important for legal effects and procedural handling.

The research results indicated that the timing and manner of raising objections to the authenticity of documents are of great importance in litigation. The Civil Procedure Code explicitly provides that such objections must be raised at the earliest possible opportunity, since delay in raising them may result in the loss of the right to object. The purpose of this rule is to prevent the prolongation of proceedings and potential abuse by the parties. If the objection is not raised in due time, the court may consider the document valid and base its judgment on it. Therefore, awareness among litigants and their lawyers of the appropriate timing for such objections is important for protecting their rights.

Another important finding of the study was the examination of the effects of accepting or rejecting objections to the authenticity of documents in judicial proceedings. If the court finds the objection to be valid, the document in question is excluded from the evidentiary record and cannot serve as the basis of a judgment. This may have a significant impact on the outcome of the case, especially where the document constitutes the main evidence of the claim. Conversely, if the objection is not accepted, the document remains valid and may be used alongside other evidence in judicial decision-making.

One important solution to improving the efficiency of handling objections to document authenticity is the formulation of unified, transparent guidelines for judges and judicial authorities. Differing practices across courts may lead to inconsistent decisions in similar cases. Therefore, establishing practical guidelines by the Judiciary on how to raise, examine, and decide on denial, doubt, and allegations of forgery can help achieve judicial uniformity and increase the accuracy and speed of proceedings. Furthermore, one effective measure to reduce disputes over document authenticity is to encourage greater use of official documents in important transactions and agreements. Official documents, due to their preparation by government officials and compliance with legal formalities, have higher evidentiary value and are not subject to denial or doubt. Increasing reliance on official documentation can prevent many disputes regarding document authenticity.

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