Perjury or False Swearing Effects in Jurisprudence and Law

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Abstract

In all legal systems, swearing is one of the reasons for proof and a mean for resolving the hostilities in the claims with religious and belief basis; it means that for proving that they are right and accuracy of their statements in the claims, people swear the God and other religious and belief values. Now, when a person finds out that a swearing is false, I will create different effects in the award issued by judge and ally (Heleph) responsibility. This paper will define the concept of perjury and express different forms of swear and its elements and conditions for its validity in the jurisprudence and criminal law and finally analyze and determine the power of proving the swearing and effects of such crime.

Keywords: Swearing, Heleph (ally), Qasamah, Reasons for Proving the Claim.
Introduction

Today, in different nations through the world and in most legal systems, swearing is one of the reasons for proving the claim derived from religious values and common law of societies. In the statute book of Iran, swearing that comparing to the jurisprudence is the latest and weakest reason in its specific meaning, includes swearing the God by a person in favor of himself and against another person and states a thing while he doesn’t say the truth. Application of this kind of reasons is only for fixing the hostility and after lacking any clear evidence from plaintiff, upon the request of plaintiff, governor requests defendant to swear.

Although the basis for necessity of bringing swear by denier is the agreement in the claim and benefits of denier, albeit if it is accomplished under its conditions. However, when proving the falseness of such reason, not only swearer has criminal liability but also it will have other effects such as civil liability.

Therefore, considering the importance of proving the swearing in Islamic jurisprudence and statute as well as its effects, while reviewing the criminalization of this act in Punishment Law, we will study, analyze and determine its legal dimensions in the jurisprudence and criminal law.

1- Literal and Terminological Concept of Taking a Swear

1-1- Literal Concept

Among different reasons of claims, taking a swear is one of the reasons accepted in legal systems; therefore, for fulfilling it, there has been considered specific conditions and elements derived from religious values and common law.

In Arabic language, swear called as “Heleph”, “Qasam” and “Yamin”; however in Persian language and reference books it means “confession by a person for his honor and legacy and taking God or a great person as his witness” (Dehkhoda 1998, Vol. 9, P. 846). On the other hand, it has been said that swearing includes creasing a specific link between news and or writing between a few other things with honor and dignity such that according to this covenant, invalidity and falseness of a news requires invalidity of that thing and because that thing in the view of owner of the contract has a respect that must be observed, he doesn’t want to humiliate it.

1-2- Terminology of Swear

Swearing in term means a concept of formal news by which a person swear the God or other holies that he says truth. Iranian law hasn’t provided a definition from oath or swear and in their jurisprudence books, jurisprudents have generally expressed conditions and orders of swearing, however they haven’t provided a definition from swear or oath.

In legal terms, swearing is normally defined as below: “swearing means bringing the God as witness on the truth of one’s words” (Emami, 1995, Vol. 6, P. 225).

When defining the terminology of swearing some legislators state that “mentioning the religious sanctities at the beginning of statements or contracts for saying the truth or requirement for signing the contracts” (Jafari Langroodi, 2009, No. 2085, P. 414).

Therefore, according to this definition, perjury includes right news shared by a person in his favor and against another person by swearing the God while it is practically against the truth (Katoozian, 2006, P. 304).
Sahib Javaher says “Qasameh” is gerund meaning parents or guardians swearing on claiming the blood (Al-Sheikh Hasan Al-Najafi Al-Javahi, Vol. 42, P. 226). Sheykh Mohammad Khatib Sharbini says: “Gasameh is the name of swears divided between blood guardians derived from Gasam means swearing and it has been said that Gasameh is the name of guardians taken for proving the murder on defendant (Khatib Sharbini Mogni Al-Mohtaj, Vol. 4, P. 109).

2- Different Forms of Swearing in Jurisprudence and Statute

In valid jurisprudence references, taking swear comes in different kinds occasionally in the view of assignment order (obligations, recommended, licit, abomination and reverence) and occasionally in the view of order enacted (accuracy, influence or nullifying, not influencing) and swearing could be fulfilled by what thing and occasionally is discussed for some of its kinds in both views.

Swearing (Yamin) in Islamic jurisprudence has been considered in two discussions one with vow and ally that accounted as an worshiping act, specific expression used in jurisprudence for it called as “Yamin”. And in the law science, term “Yamin Al-Agd” is used for it. Another situation discussed in the jurisprudence for Yamin is jurisdiction and witness. In the view of statute, swearing generally divided into two categories (a) Yamin Al-Agd swear; (b) swearing in the claims or legal oath that will be explained later.

2-1- Covenant oath (Yamin Al-Agd)

In jurisprudence language, covenant swearing means Yamin-Al-Agd, i.e. a person covenants and agrees to act or omission in the future like an oath administered by president or lawyers and judges before beginning their duties; this oath has no direct relation to the reasons for proving the claim.

2-2- Legal Swearing

Taking swear in legal courts means that a person for proving that he says truth, by swearing the God will prove its claim and or defend himself an proving that the plaintiff is wrong by resorting to swear (Vahedi, 2001, P. 47). Legal swear is called as proving swear as well and is divided into three categories based on legal texts: decisive claim (Batti) swear, complementary swear and memorization swear reviewed as below.

Batti swear is one that individually proves or denies the claims of plaintiff, therefore, it is decisive for claim. Batti swear administers when plaintiff lacks any witness with conditions and or document by which it could prove its claim and defendant also denies the claim of plaintiff. In this case, upon the request of plaintiff, court will issue the order of bringing swear during which, denier may swear to deny the claim of the plaintiff, thus, its claim will be nulled (Zeraat, 2004, P. 885).

Request of plaintiff could be oral or by writing. The provision for requesting swear from plaintiff is fundamental to such extent that its lack will nullify the swear (Zeraat, same, P. 883). The important note is that one could request for swear who has no reason for its claim and its claim has been denied by another party.

It could be stated that proportional to claiming by plaintiff and defendant, any one could request for swear. For example, plaintiff might claim for a debt denied by defendant, in this case,
plaintiff requests for swearing; in the same assumption, defendant might accept the debt, however claims for falling the debt; in this case, upon the request of defendant, it is issued to bring the swear by which plaintiff of main claim swear to God (Hayati, 2005, 412).

According to Article 272 of Civil Procedure Code, bringing the swear must be such that it could be considered as a criterion and evident on issuing the order by the court; thus, swear, although might be only a part of the subject of claim (for example, originality of document for claim or defend), however, its content must be such that it is causality, i.e. occurrence of an event or non-occurrence, for example transaction or obligation that is the origin of the claim and or might be on the result, for example presence or not presence of a debt, ownership,… and in the request it must be determined that what is the intention of one who requesting the swear.

3- Elements and Conditions for Validity of a Swear
3-1- Elements and Conditions of Swear

In addition to qualification including wisdom maturity and authority as well as stewardship and being a beneficiary of someone who is swearing, there are some conditions for accuracy of swearing the important of which include:

Article 1335 of Civil Code states that resorting the swear is possible when civil claim hasn’t been proved by judge based on confession or witness or knowledge of the judge by evidences and documentations; in this case, plaintiff could let take order to its claim when defendant denies it subject to bring the swear. Obviously, should claim, confession or witness or knowledge of the judge be proved, allies of denier and resorting to swear is banned as reason of proof. Stating the same order, Article 271 of Civil procedure says: in all financial claims…. Lacking valid reasons and documents, legal swear could be considered for issuing the award by court (Hoseini Nejad, 1995, P. 47).

Therefore, although Article 1325 of Civil Code could be only proved in the claims testified by witnesses, it entitled to the plaintiff to request for bring the swear by defendant for issuing the award; however, after Islamic Revolution that Articles limiting the value of the witness have been removed and this reason restored its traditional value, such limitation is no longer exist; therefore, any claim with any amount could be resolved by bringing the swear. Finally, swearing could be heard only in cases that validated by law; for example, for proving the crimes for right of the God, this reason is not valid; following the Islamic jurisprudence, we will mention cases in which swearing could be validated (Diani, 2008, Nos. 30 & 31, P. 3 & 13).

It must be noted that because swearing is the weakest reason; therefore, resorting to it is possible when civil claims couldn’t be proved by judge upon confession or witness or by knowledge of the judge based on documents and evidences. Anyway, in other cases, bringing swear could be heard only when validated by law. For example, it couldn’t be applied in the crimes attributed to rights of God; because the law has determined way of proving it and legislator hasn’t mentioned this reason when determining the reasons for proof. In Nabavi narrations we have “La Yamin Fi Had” indicating the mere right of God. For right of God mixed to right of people, with Yamin, the right of people will be proved, however the right of the God that is cutting the hand may not be proved. Article 280 of Civil Procedure has also stated such order (Diani, same, P. 17).
Article 1335 of previous Civil Code stated that in claims with one party is legal persons like public organizations and companies, claims for loss from crime and damage from trial, claim for deforce, claims for principle of permits donated by state, claims for industrial and trademarks and trade names and patent, claims for harassment if ended to dispute in a right not ended to harassment, they couldn’t be proved by bringing swear. However, in modifications in 1982 and 1991 by Islamic Council Assembly, this Article has fundamentally been changed proportional to civil code and such exceptions were removed; thus, after applying such modifications, all above cases could be also proved by bringing swear.

In the regulations, there is no specific order for the name of a person that must be sworn; however, legally and according to Article 281 of Civil Procedure Code, bringing swear must be according to the order of court by saying the name of God. Anyway, according to this Article, there is no difference between Muslim and non-Muslim for bringing swear to the God with its name might be only different (Hosseini Nejad, Previous, P. 147).

Article 288 of Civil Procedure Code states that “bringing swear must be done in the court and if by excuse, swearer couldn’t attend to the court, court must be postponed to another time or judge attend to the swearer or he/ she provide a power of attorney to another judge to swear it and provide the court with its minute and based on such minute, court could issue its award.” According to this Article, judge may not be powered for attestation for bringing swear. It seems that in cases that when upon the order of court, swear must be done in the place of swearer, the judge issuing the award must attend to the place of swearer.

Another point is that according to Article 1327 of Civil Code, during two past month, plaintiff or defendant could request for swear from another party when subject of claim is attributed to that party. Therefore, in the claims of children and or insane, one couldn’t ask their parents to bring swear unless they have acted in such a way that they remain in their guardianship as well as in all cases that the affair attributed to one party.

3-2- **Elements and Conditions of Swear in Islamic Jurisprudence**

It is a swear applied in the court and ending the claims. Plaintiff swears the God and claim is proved; for example, plaintiff about Loth (what causing the suspicion to the truth claim of the plaintiff for example when murderer stand next to victim with a knife in his hand or with his face bloody) or fifty people swear the God that for example Zeyd is the murderer of his son and it could be proved by the swear of the plaintiff. Or denier swears God, for example says I am not owe to Zeyd, the claim will be ended or swear brought by a person by which necessitate a thing on itself or leaves an illegal job.

Swearing to something except God is invalid. The swearer must say I swear God I am not owe to Zeyd or I swear God if I do an illegal job I must fast for 10 days. Or swear to prophet Mohammad (PBUH) or his family and says: I swear to Imam Ali, his swearing isn’t valid, it means when he objects it has no atonement and if it is in the claims, it won’t be validated (Khomeini, 2004, Vol. 2, P. 385 & 100).

4- **Power of Proving a Swear in Criminal Law**

Swear is one of the reason that when there is no mean to attain the truth, witnessing the God is resorted. Swear is rooted in the religion with important role played in the religions and it is
also suitable as well, because people who believe in religious basics, they respect its rules and customs in their social relations and because they know God is governing on all creatures, therefore, they respect swearing to God and fearing the God’s punishment, they don’t forsworn.

In the judicial law of Islam, swear discussed as one of the cases for proving the claims for right of people occasionally proving the denial of denier and sometimes claims of plaintiff. What distinguishes the swear from other reasons of proof is relying on the conscience of Haleph (swearer); using measures in jurisprudence for adjuration or making someone swear could promote the value of swear among reasons for proof. Valid swear includes saying God’s name and in cases that swearer believes to a religion except Islam, it will be validated as well. By concentration, judge removes any bad intention to swear of non-Muslim people.

In legal affairs, such a spiritual mean is particularly for resolving the cases that regularly one could not bring a reason for it with no witness, then the claim must be accepted without any reason like thiourea woman that her saying is accepted or according to rules, the order is against plaintiff, these are two solutions that isn’t desirable and it is more likely to lose the rights (Nikpour, 2013, No. 102, P. 41).

In criminal matters, because punishment is exceptional, there is a different situation. In the criminal system, one cannot use scientific principles or jurisprudence reasons due to having no enough reasons for resolving the hostility and order to criminal conviction of a person; for example, confession that is considered in civil matters and is considered final for claim, in criminal matters it is only used as a procedure or way. Under such complicated situation, one cannot use swear as means for proving the crime (Nikpour, same, P. 53).

As mentioned above, despite stabilizing swear in civil claims with conditions arranged, swear couldn’t be applied in criminal claims. Despite considering the losses and disadvantages of swear in criminal claims, legislator who is governing on interests and corruptions, when proving the retaliation, has accepted swear combined by specific conditions and called it as “Gasameh”, i.e. sworn by claimants of blood and prove it. However, comparing to the order of properties in which swearing is initially attributed to defendant, in the blood claims, the swearing is initially attributed to plaintiff (Nikpour, same, P. 53). (Gasameh is exception to the principle).

It noteworthy that swearing could not provide the necessity for proving the retaliation and Qasameh must come with some conditions. Areas of “Loth” in the legality of Gasameh is when it is fixed and for Hodood also according to this rule that in Legal Hodood, one cannot bring swear, so it couldn’t be valid for proving the claim; however in criminal proceedings it couldn’t be accepted and merely under specific cases it could be used such as in retaliation under Gasamah combined with other conditions such as presence of Loth and swear has been accepted by certainty. For adultery and extrusion, swearing could prove or deny the Had. Footprint of swear for criminal matters as mentioned above may not cause the ambiguity of its usage in other crimes and punishments because these are points determined by legislator for attracting some advantages and avoiding some corruptions. Therefore, one must avoid generalizing it to other crimes (Tazirat) (Nikpour, same).

5- Effects of Perjury in Criminal Law

According to statute, swear means witnessing God on the accuracy and truth of sayings; then in such legal system, swear has religious basis and by such record, it is accounted as one of the
reasons for proving the claim. In previous punishment law, chapter 20, fifth book of this law called “Tazirat”, in Article 649, it criminalized false part as below: “when a person have perjury in legal or criminal claims that sworn false or perjury, he/she will be convicted from six months to two years of jail”; in new punishment law approved in 2013, section “Tazirat” it has remained unchanged and legal element of this crime is the same as indicated in Tazirat book.

Legal stages of material element of perjury resulted from a specific omission include “someone who claims legally or criminally upon a regular document against another person before a judicial qualified authorities and has no reason such as evidences for its claim, he/she will officially request legal authority to recall the defendant and when defendant denies his claims, by the order of judicial authorities, defendant must swear to God. As in the statement of Article 649 of Tazirat Law, legislator has used this issue by the sentence of “any one in legal or penal claim that must swear” (Saleh Validi 2010, P. 175). Therefore, someone who must swear by the order of court must swear to God and or deny it; otherwise, when defendant who must swear don’t swear to God and denies it as well, by the swear of plaintiff, court will convict the defendant, thus, or on the other hand, false crime is from specific omission of a person who is forced by court to swear.

Subject of perjury crime is any matter that must be sworn on, including three cases: (a) when subject of brining swear is the presence of a given matter; (b) when subject of swearing is not a given matter; (c) when subject of swear is negating the knowledge (Imami, 1995, P. 176). Perjury crime is an absolute deliberate crimes and intention for resolving the claim or dispute or otherwise has no subjectivity in fulfilling the crime because principally, bringing swear will generally resolve the claim (Zeraat, 2003, P. 407).

A given matter means given properties such as a cooler set or claiming for a debt obtained from the cost of agreement and defendant denied it; however, when subject of swear is lack of a given matter, upon the request of plaintiff, defendant must bring swear that he doesn’t own to plaintiff (Zeraat, same).

5-1- Legal Effects of Perjury

The person who has been damaged due to a perjury could complain to the court and pursue a person committed to perjury and its crime will be investigated according to Article 649 of Tazirat Law approved in 1996 for defamation as well as compensating the loss and damage from issuing an award based on perjury (Mohageg Damad, 2000, Zakerinia, 2013, P. 78).

Punishments as mentioned for a person who falsely sworn, if his perjury may prove the accusation and create a physical, life damage or property damage due to executing the award, but after executing the award, the reason proving the crime is nulled, for example court determine that criminal was another person or no crime occurred, according to Islamic Punishment Law, someone who are responsible for such damage, whether swearer, complainant or witness, will be convicted to retaliation or paying for blood money or Tazir according to law and compensating for property damage.

In the claims for civil liability from perjury, three elements of damage, element of the damage and casual relation altogether brought because by perjury of denier, plaintiff deprived

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1 Punishment less than the full amount prescribed by law
from his rights against defendant. Therefore, after proving the perjury, original debt of defendant will be returned back to plaintiff, false swearer must pay for exchequer and non-exchequer benefits of defendant against plaintiff as well. In non-financial claims, using spiritual way for compensation such as apology and denial in public magazines or publishing the conviction order (for perjury) is possible (Haji Azizi, 2001, P. 78).

5-1-1. **In the Orders of Courts**

Although, during investigating the claims, it tries to conform the award issued with realities out of the case, and on the other hand, it requires executing the justice as well, however, perjury, in cases that swear is considered as reasons for proving the claim (like where claiming party after dishonor of second party and sworn, takes action to swear by perjury, it may causes issuing the award without completely conducting the investigations. In such cases, there has no coordination between contents of votes and external realities. Because, anyway, finally the votes issued must be conformed to the reasons of subjects. In this case, in order for combining the validity of final orders and executing the justice requiring the conformation of external realities and contents of awards issued, appeal trial or retrial has been applied (Mohageg Damad, 2013, P. 80). According to above mentioned cases, when court determined that it is sworn by perjury, in the appeal stage its award will be terminated.

In Civil Procedure Code as well as previous Criminal Procedure Code, proving the perjury followed by retrial; but, such case hasn’t been explained in new Procedure Code approved in 2013 and only mentioned the proof of perjury; apparently, it seems that perjury couldn’t be enough independently for criminal retrial. However, according to clause 5 of Article 426 of Civil Procedure Code stating that “should second party request for appeal, having fraud influencing on the award of the court”, it is another reason for retrial (Shams, 2013, Vol. 2, P. 132). Based on loss and damage from crime and according to civil liability, one could request for retrial from award issued by resorting to civil courts; when swearer confesses that he had perjury, in this case, should after bringing swear, swearer informs that he had perjury, when there hasn’t been issued an award based on his swear, court will issue the award based on his confession; however, when award has been issued but there is a deadline for objection, and according to confession of swearer, defendant could appeal for award issued, and if the award finalized, it might be possible to reform the court for returning what received by perjury unjustly, because in this case, the reason for reclaiming is confession not a swear held in previous claim (Mohajeri, 2007, Vol. 2, P. 474).

5-1-2. **In the Award of Judge**

Jurisprudentially, the most important effect of swear is ending the claim and a claim ending by bringing swear couldn’t be heard even though it is based on discovering new reasons; jurisprudents clarified that if judge ensures perjury or invalidation of one of reasons for proving the issue, he must break its award and the reason for breaking the award after acceptance is for when judge doesn’t know that the evidences aren’t correct or perjury and if it has been proved before issuing the award, according to jurisprudents, he hasn’t broken his award and it is like when denier hasn’t sworn.
According to perception of jurisprudents from narrations, the swear of defendant causes that all rights of plaintiff nulls for disputed property and no evidence will be accepted from plaintiff after swearing and issuing the award; it is like when plaintiff ensures that defendant brought false swear; he isn’t entitled to retaliate from properties of defendant even by hidden. Such denial of rights goes to such extent that in the view of some jurisprudents, plaintiff even isn’t entitled to account the disputed property according to assumption, confiscated by perjury as its obligatory rights (one-fifth; tithes and alms).

Most jurisprudents believe that if swearer confesses that he had perjury, all rights of plaintiff against subject of claim such as right of claim and retaliation will be renewed.

Swearing principally is the reason for proving in the claims and dispute. The reasons that confirm a right in dispute won’t be applicable in other cases. When defendant confesses, there is indeed no claim and dispute will be ended. Therefore, it isn’t necessary to argue to the reasons of swearer that is the reason for proving the claim for acquittal of defendant for a property being no more in the dispute. Anyway, denier (assuming the perjury) is indebted and may not seize the property (Jabaei Al-Ameli, 1414, Vol. 13, P. 745). However, a group of jurisprudents don’t agree to famous theory and believe that by denial, the lost rights of plaintiff won’t be retrieved and reasons for non-famous theory of jurisprudents mostly applied on two points.

Mohageg Ashtiani states that confession causes losing the claim and dispute and subject of reasons for proving the claim is for when there is a claim. Therefore, confession because losing the subject is heard, however, as stated before, most jurisprudents declare that if swearer confesses that his swear was false, the rights of plaintiff to disputed property such as his right of claim will be retrieved to him.

5-2- Jurisprudential Effects of Perjury

In Islamic jurisprudence, one of the forms of proof in the claims is for right of people and occasionally proves the denial of denier and sometimes claim of the plaintiff. What distinguishes the swear from other reasons for proving is that swearing in Islamic legal system has specific properties and holy God in verses 224 to 226 of Bagareh Surah indicated this issue and attaches great importance to it.

Therefore, perjury is the worst kind of swear and Koran stated specific orders and punishment for this kind of swear and God will provide them with stigma, grief and regret in this world and a painful doom in hereafter.

For perjury and its effects there are many stories narrated such as story of Imam Mohammad Bagher stating that: in the Book of Ali we have “perjury and devotion to relatives causes homes to empty from people (the irony of destruction of homes or poverty of their owners, with no provision and blessing) (Hor Ameli, Vol. 23, P. 202). According to Imam Sadegh (PBUH) “when someone has perjury, he has combated with God (Hor Ameli, same, P. 203). Also narrated from Imam Jafar Sadeq (PBUH) that he has narrated from his fathers and they from Prophet Mohammad that in narration, Manahi has accounted one of the causes of perjury as rage on God when visiting to his servant unless he repents (Hor Ameli, same P. 268).

Also, eternal torment of such unlawful act is like what in its legal approach that in the court may provide the swearer with a criminal liability and by proving it, judge can punish the committer by Tazirat. Judge will apply Taziri punishment upon its discretion; therefore, for how
to have Taziri punishment and its conditions, there are no specific discussions in Imamieh jurisprudence and it seems that in this case the punishment of perjury isn’t different in jurisprudence and law.

**Conclusion**

Swear is the last reason for proving the claim in the reason for proving the claims and disputes in both legal claims and criminal claims and based on its power for proving the claim, perjury will have some effects. Generally, in legal system, this reason is only for resolving the dispute. Swear is applied when claim couldn’t be proved by other means. After bringing swear, advancing reason by plaintiff isn’t accepted; however, denial of swearer before issuing the award is effective in the claim and based on the confession of aforesaid, the award will be issued.

Bringing swear relies on conscience and believes of swearer. Therefore, reducing the likelihood of perjury, legislator predicted concentration on swear. In Islamic law, swear is dignity term, even though swearer isn’t among followers of monotheistic religions, after swearing to God, prosecutor can also concentrate swearing to the sanctities accepted by aforementioned. According to measures such as importance of the subject of claim, personality of parties of dispute, swear could be concentrated depending on the view and discretion of the court by term, temporal, spatial and situation or state.

According to Article 271 of Civil Procedure Code, swear is applied for specific legal and financial claims called as right of people as well. Therefore, in Article 280 of mentioned law, for criminal matters, swear benefits from weak power of proving and court must issue its award based on documents.

In jurisprudence and criminal law in criminal claims, proving the retaliation, legislator accepted the swear aggregated by specific conditions and called it as Gasameh. However, comparing to the order of properties in which defendant must initially swear, in blood, it is plaintiff that must initially swear (Gasameh is exception on rule).

Because in the realm of Tazirat, the reasons for proving the criminal claim has been accounted, consequently no matter could be positive for criminal claim unless investigating authority finds out the truth; therefore, it must be said that except Gasameh in which swear could be accounted as a reason for proof, in other cases, swearing isn’t accounted per se among proving reasons and agreement of parties may not change its nature; thus, acceptance or denial of parties may not be effective in proving the crime except when described by law.

For criminal liability of perjury in the criminal law, it must be stated that:

Previous punishment law considers perjury as one of the criminal acts preventing judicial justice in the society and in new punishment law approved in 2013, it remained unchanged in Tazirat section; the legal element of this crime is the same as Article mentioned in Tazirat book.

The most important legal effects of such kind of swear in criminal claims could be indicated in the revision in an order issued based on perjury; however, new procedure code has not predicted the possibility of retrial based on perjury.

In Imamieh jurisprudence, the effects of perjury like criminal law is predicting Tazir for committer; however, perception of jurisprudents from narrations, swear of defendant causes voiding all rights of plaintiff to the property of dispute and after bringing swear and issuing the
award of judge, no evidence could be accepted from plaintiff; to such extent that if plaintiff ensures that defendant had perjury, he isn’t entitled to retaliate from properties of defendant even covertly and or consider it as his obligatory rights (one-fifth; tithes and alms). However, property has actually remained in the possession of plaintiff and due reverence or even enacted reverence for retrial and retaliation may not eliminate actual ownership of this property from plaintiff.

Assuming the satisfaction of plaintiff from swear of denier, such satisfaction has been done for claim and dispute. Therefore, it is subject to the claim of defendant for property of dispute and assuming denial of swear, defendant has no claim to the property; in addition, swear will only void the right for claim and after confession, no claim remained; most jurisprudents mention this fact that should swearer confess that he had perjury, all rights of plaintiff for subject of claim, such as right of retrial and claim and proof will be retrieved once again.
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