



Social Determinants of Real Estate Crimes Against Overseas Pakistanis

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Abstract

The present study aims to explore the social factors which contribute towards Real Estate Crimes (RECs) against Overseas Pakistanis (OPs). This research would be the first of its kind and nature. It would study the social causes of RECs against Ops from the perspective of the victims. The present study is qualitative in nature and used the Multiple Case Study Design to study the topic under investigation. Thirty-six participants were selected through purposive sampling from the district of Lahore. Data was collected through in-depth interviews. The findings revealed that being away from the properties (absentee owners), lack of legal awareness and proper knowledge, blind trust, greed, unguarded properties, patriarchy, and being away from their tribe were the major reasons of real estate crimes against overseas Pakistanis. Overseas Pakistanis should not have blind trust on others and rather they must complete required documentation of their properties. They should be cautiously social enough to have check and balance on their property along with taking appropriate steps to safeguard them by keeping themselves abreast of latest development related to laws and neighborhood of the property. So that a culprit may not tend to consider committing RECs against their properties since the culprits of RECs are rational offender who do their cost-benefit analysis before committing such crimes.

Keywords: Real-estate crimes, Overseas Pakistanis, Land Administration system, Land Grabbing, Social Factors

1. Introduction

Pakistan has several Land Administration Systems (LASs) to administer real estate properties, but they all are equally recondite and outdated. These systems often do not provide exclusive land titles and security of possession to the owners (Ali et al., 2013). Such lack of security and elusiveness lead to the menace of Real Estate Crimes (RECs) against all and sundry in each LAS. However, certain social classes and localities are vortexes and easy targets of such crimes. Of them, Overseas Pakistanis (OPs) who own real estates in urban areas are the most vulnerable section of society for some sociolegal reasons (Punjab Overseas Pakistani Commission [OPC], 2020). These crimes are gross human rights abuses and heinous sociolegal transgressions apart from huge economic losses to the victims and their families. More unfortunate is, majority of the times, the perpetrators are reported as the victims' close relatives and friends.

The term 'Overseas Pakistani' (OP) has been defined in The Punjab Overseas Pakistanis Commission Act 2014 as "a person of Pakistani origin who is either permanently or temporarily settled outside Pakistan: (i) for employment; or (ii) for carrying on a business or vocation; or (iii) for any other purpose with intention to stay outside Pakistan for an unspecified period". (*Punjab Overseas Pakistani Commission Act*, 2014, p. 02).

As per the latest reports published by the Ministry of Overseas Pakistanis and Human Resources Development, there are more than 10 million OPs around the world (Overseas Pakistani foundation [OPF], 2021). The UN has reported this figure as the 6th largest diaspora in the world. Their socio-economic importance can be gauged from the fact that only in FY-2020-2021, they sent a whopping \$29.4 billion remittances to Pakistan, invested \$670 million in addition to saving certificates, and deposited billions of rupees in Roshan Digital Accounts and Dam Fund of Pakistan. As per latest figures told by finance minister of Pakistan in his budget speech for year 2024, their remittances are 90% of total export of Pakistan (Finance Division, 2023). Their remittance not only supports their dependents in Pakistan, but also reinvigorates the economy of Pakistan, and creates jobs in different sectors (Ghayur, 2021). These remittances are the single largest source for the Pakistani economy regarding foreign currency reserves, even ahead of export (Khaleej Times, 2021).

These facts speak volumes about their invaluable services for Pakistan in the shape of fiscal support to the national economy, societal development, and economic well-being of their dependents in Pakistan (Bashir, 2020; Abbas, 2020). But contrarily, it is unfortunate that they are often mistreated and even maltreated systematically in both social and legal settings. They are routinely targeted by land mafias to grab and impinge on their real estates, and it seems that committing fraud and misusing their properties seem like a new normal in Pakistan. As a result, there is a huge number of complaints and cases pending at different forums about RECs committed against OPs. Only before the OPC, roughly 20,000 applications are pending to get their land back. Punjab Overseas Pakistani Commission has reported in its annual report that 60% of complaints of OPs are related to Real Estate Crimes (OPC, 2020).

Annual report 2019-20 issued by the Punjab Overseas Pakistanis Commission (OPC) states that the majority of the complaints are related to real estate crimes and legal issues of immovable properties. The current complaint number

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in OPC is 30000 and above. Of them, 1/3rd is about Real Estate Crimes. The OPC report 2019-20 states it received a huge number of complainants at the provincial level that were related to RECs and immovable properties (OPC, 2020). These crimes are diverse in nature and forms. The scheme for each crime depends on many factors that are related to both perpetrators and victims i.e., demographic characteristics and neighborhood, socio-political association, legal awareness, and type of land administration system, etc. Although schemes of each crime can be different, but they are equally prevalent in all areas and land administration with certain exceptions. As in some areas land grabbing is more reported, and at the same time at other places Seller's Fraud is more witnessed (OPC, 2020).

Although each crime is unique by having different offenders, victims, and modes of commission of RECs since all this depends upon many factors related to victims and perpetrators, but female OPs are often victimized by intimate blood relatives, like brothers. The most prevalent form of crime against female OPs are illegal possession by blood relatives and tenants, depriving them of inheritance, selling through imposters, and misuse of the power of attorneys (OPC, 2020). Reported judgments have often mentioned how the power of attorneys given to brothers for mere management of real estate are illegally used to sell and misuse their properties.

Despite the sensitivity and high socio-economic stakes involved in the research problem, no research has been conducted on the issue yet, which addresses RECs against OPS as a target population. Even no exclusive and comprehensive study on RECs is available that can be used as a benchmark for the present research. Therefore, the present study aims to explore the social factors that contribute towards Real Estate Crimes against Overseas Pakistanis. This study would be the first of its kind and nature that would study the social causes of RECs against OPs from the perspective of the victims.

2. Methodology

This study explored the subjective experiences and perspectives of the victims through qualitative Case study design, wherein Multiple Case Study Design was used in the. Population of the present study comprises of all such Overseas Pakistani (OP) victims against whom at least one real estate crime has been committed after attaining the status of being an OP. Research site for the present study was district Lahore.

Purposive sampling strategy was used to obtain participants for the current study. Special care was taken to adhere to the inclusion criterion and to select such victims from whom relevant and rich information could be gathered as per the research questions of this study.

Data for the current study was collected through in-depth interviews using a semi structured interview guide based on the deductive codes identified from the literature. However, the researcher continually kept reviewing and amending the interview guide based on the inductive codes which emerged during the interviews. A total of thirty-six interviews were conducted to gain an in-depth insight into the research problem under investigation. Interviews were conducted as per the convenience of the participants. Average time for each interview was sixty to ninety minutes.

The interviews were conducted in Urdu language or in participants' native language and then the data was transcribed and translated into English Language using the Express Scribe Software. Data collected was organized and categorized comprehensively into codes, sub themes, and themes. A code list was prepared by assigning a name and a brief definition to each code. This code list acted as a point of reference while coding the entire data. And thereafter, theoretic thematic analysis of data was carried out.

2.1. Ethical Consideration

Present study is a part of a broader study conducted for Ph.D. dissertation, approved by Institutional ethical review board of University of the Punjab (Letter No. D/7045/Acad).

3. Results

Majority of the victims considered that the roots of all such crimes got their genesis in social greed and opportunism among relatives, friends, and mafia. A female participant aged 36, living in Germany, whose property was grabbed by her brother, said that this social greed is like a disease in Pakistan and majority of Pakistanis, regardless of their socioeconomic status, never satisfied with their economic status, and they would never let go any chance of looting anything; and she further argued that people in Pakistan think OPs earn some kind of easy money and OPs don't need their properties in Pakistan, she quoted, "People in Pakistan think OPs are getting money from tree and they don't need their properties located in Pakistan." Another participant No 23 said, "people in Pakistan are mostly in wait for some kind of miracle, Ponzi scheme or easy crime rather working hard to earn money."

3.1. Motivation and Opportunities for Culprits

Opportunities act as a mean for transforming the social setup into motivation for the culprits to encourage their actions, same is the case with instant research problem wherein social and circumstantial setup support and motivate the relatives and friends towards RECs against OPs. Victim No 11, named Sadiq who is based in London and works as research assistant said: "when perpetrators in Pakistan find opportunities in social circumstances of the victims where

the potential gains are very much higher than the perceived risks with their potential acts, they may be tempted to do illicit activities by grabbing properties of the Ops”.

Another male participant No 36, who is a senior surgeon based in the USA, and was having rich information regarding such crime because he was facing almost all three types of crimes: misuse of property, land grabbing, and seller's fraud; spoke at length on social factors causing RECs against OPs. The first thing he said was the allure of financial gain as the most powerful motivator for culprits. And especially when such attractions come with opportunities to amass wealth quickly and easily with no risks or managed risks, many near ones, let alone land mafia, may succumb to the enticement for crimes by ignoring moral and legal limits. He further elaborated that the prospects of huge financial gains through material possessions overshadows their societal norms and family traditions, which ultimately leads them towards opting criminal behavior. As he was affected by his brother, so he said, "Desire of amassing wealth overnight through easy maneuvering shuts their minds and stuns their senses and they forget that we are sons of same parents”.

Another female participant No 3, commented on relationship of power dynamics and motivation for the culprits to commit RECs that having an edge of social power and political influence by people living in Pakistan act as a motivation for culprits. She said, “people living in Pakistan are well connected and their social bonding divide between us; all other relatives and friends would support the culprits and the best they can do is to keep silent if not to oppose the victims”.

Moreover, data as whole manifested that trust factor is also a main cause of such crimes, especially when such crimes are committed against females by their brothers and even parents, since it is a common practice and perception in Punjab that daughters get their share from property in shape of dower and expensive education, and therefore, the rest is all for sons of the home. Therefore, such thinking gives them rationale moral ground to grab the properties of the sisters and daughters. Shahla (2021) has discussed this issue at length in her dissertation regarding inheritance rights of females in the Punjab. Majority of the females reported that their brother or close relatives used their POA to sell their lands/properties unauthorizedly beyond the power conferred by the excutant. However, females are not the only ones who suffer due to their trust on closed ones and others, men are equally effected by this.

Majority of the participants on the question related to social determinants of RECs against OPs remarked that opportunities can morph into powerful motivation for the perpetrators to undertake criminal activities. Because the potential gain with low risk against vulnerable victims, all lead to the transformation of opportunities into temptations that encourage individuals to cross ethical and legal boundaries and commit RECs against OPs.

3.2. Victims' Dilemmas

Findings of the present study revealed that being away from the tribe and ancestors' society was one of the major factors that led towards RECs against victims. Majority of the victims highlighted during the interviews that migration from rural areas to Lahore and leaving behind their tribe and Bradari was a major reason which made them vulnerable for RECs. Because many of them, especially females said that when you are living in the same village where people know you and your ancestors, the risk of such crimes decreases. Participant No 4 said: “migration to urban areas alienated us from our ancestors' society, and we started living where our neighbors had no prior acquaintance and even after living for years at the same place, not more than few houses got in touch with us. It was like we were living on another planet, and this nuclear family system made us weak and vulnerable to land mafia”.

Although participants expressed all types of crimes against them, but data showed that in almost all cases of land grabbing, the victims and their family was not deep rooted within that area. Participant No 6 said that she bought land while she was in Lahore and then went to Ireland to do her medicine practice, and after few years they got to know that someone had started construction on the plot, they rushed to Lahore but couldn't retrieve their land despite winning legal cases multiple times, the reason was that they did not have social and manpower to confront the land grabber, and in the end they opted for an agreement to dispose of the land to the same mafia. Participant No 23, said: “living alone in Lahore with no social links often puts us at risk in land related cases especially when such lands are situated in LAS managed by government areas”.

Participant No 25 said that Pakistan is a unique system where you also need your personal manpower besides legal support to get your land back. Participant No 34 said if your land has been grabbed by a mafia in Lahore or some tenants refuse to vacate your property, and you do not have social support and neighbors to help you, only law is not enough; you always need reference, political links, neighborhood support to save your property. She further said, “God forbid, if a female's land has been illegally possessed and she does not have her family member living around, then she should not go to the court because it would be of no use since she would never be able to get physical possession of the land even if she wins her case”.

Another dilemma with the victims is their ingenuousness in real estate and legal matters. During their interviews, when I asked some probing questions on what precautionary measures they adopted in different types of crimes, majority of the Participants replied that they are working abroad in different capacities in their specific fields, and they

have no such knowledge of legal deceptions that how mafia and culprits employ their ruses. Participant No 3, 5, 23, and 8 said had they knew this would happen with them, they should have been proactive rather regretting now. Participant No 19 said that he never knew the detail of his real estate because all were being managed by his father, and it is after the death of his father that he got to know that his house had been transferred to the name of his two brothers only who were living in Pakistan; he said, “when I asked my brother that I was coming to Pakistan to live there, he said you have no share in this house because our father had transferred this house to the other two brothers, but I knew that my father had never done so”.

He further discussed that later he got to know that his brothers had secured an ex-parte decree of gift from civil court by showing that his father had gifted the house to his two sons and astonishingly he had his signature on one of the papers. On further inquiry, he got to know that the paper he signed was for some other purpose; but he considered it his mistake that he should not have signed a blank paper.

Another aspect of victims’ lives was their general business in their host countries and no time for dealing such issues. It was self-evident from the pattern of lives of the victims that they were unable to spare time from their jobs, businesses, and home activities to confront such crimes in different offices and courts. Therefore, almost all of the victims expressed that it is one of the fundamental elements which made them vulnerable, and it is why culprits commit real estate crimes against them because the culprit knows very well that OPs would not have time to confront such crimes in different courts, especially when courts take decades to decide the cases. Majority of the victims further said that it is also a major reason due to which they tend to sell the land at minimal rates rather facing such transgression in the courts.

The data showed that the most cited and discussed reason of RECs against OPs was that the victims were away from their properties. Majority of the Participants shared that such crimes could have been avoided if they were living in Pakistan and would have been able to take care of the properties by themselves. Specifically, the victims of land grabbing and misuse of the properties attributed this factor as the sole major reason of such crimes. Participant No 26 said, “this menace starts when you are unable to look after your properties yourself”. Participant No 23, 32, 12, and 7 said that the presence of the owner is the biggest deterrence for the culprits and when such deterrence is not present regarding a certain property then there are only two other factors which can help to avoid such crimes: one is social norms and moral values; the other is legal web of the state.

4. Discussion

A crime is an act by someone against the legal boundaries set by a society. And they do not happen solitarily rather in a setup where people depend on one another, or they mutually agree to live in a certain set of principles. Sociological approach of crimes suggests that a crime is not an incident separate from social factors rather criminal activities are repercussions of sociolegal disorder of the society.

RECs against OPs are well thought and planned crimes like white collars crimes wherein the culprits are more rational beings rather mere opportunists or a desperate one. In such crimes, the culprits weigh their efforts and potential outcomes. Such factors of fear and profit in the mind of a culprit along with legal settings are called as contributing factors.

Since the prime objective of this study is to unearth such social circumstances and factors which put an OP more at risk to REC. For this purpose, I emphasized accordingly on social factors associated with OPs and the culprits along with exploring the general cultural practices in our society to explore those factors and how they convive in such crimes.

The results indicated that all of such factors have their genesis in the most important social factor, which is ‘being away from the property’. The data showed that all other factors get their foundation from here. This factor makes a property an abandoned one which invites attention of land mafia. Moreover, it provides room for the relatives and friends also to commit property crime against their closed one. When the culprits find this opportunity, their lust manifolds since they find huge prospect in easy crime. It’s how the culprits take the OPs’ property a low hanging fruit since OPs would not be here to confront timely. It is also the biggest negative factor for OPs which hinders them in fighting against such crimes, because they often have short time to stay in Pakistan. The results manifest that government and courts have introduced many legal forums to entertain complaints of OPs, but due to this facet that they are away and hence have less time to deal with the issue, the OPs often fail to yield maximum results from those legal forums.

The findings of this study regarding the absence of property owners as the biggest sociolegal factor of RECs against OPs is aligned with many previous studies wherein it has been held that absence of homeowners is a significant predictor of property crimes and frauds in real estate management (Boessen & Chamberlain, 2017; Husedzinovic et al., 2015; Rujan, 2014). Lawrence E. Cohen and Marcus Felson have held in their landmark studies that victims who are away from their properties are at a higher risk of facing crimes against them (Miró, 2014). The findings of the

current study support the Routine Activity Theory (RAT) that a crime is more likely to happen when there is absence of a capable guardian. Therefore, when an OP does not live around or on his properties, it makes the land an unguarded one (Miró, 2014)..

However, the results also show that OPs do not attribute that this is their fault because they have gone abroad for their better future and work; and because of them, Pakistan is receiving billions of dollars every year. And therefore, they assert that it is the duty of government to protect their properties rather letting them be looted with impunity.

Furthermore, findings of the present study highlighted some other social factors for such crimes including lust, urbanization, patriarchy, blind trust by victims on relatives and lack of awareness among the Ops. But among all these factors, the prime and most recurring factors are blind trust and lack of awareness about which the participants of the study opine that such crimes can be avoided if the victim complete all the legal formalities with composite and updated knowledge rather mere trusting.

5. Conclusion

Social environment and contextual circumstances such as trust, greed, absence of owners, lack of awareness and proper knowledge and many others play a major role in the occurrence of real estate crimes against overseas Pakistanis due to which they face huge losses. Therefore, it is suggested to obviate such crimes, OPs should not have blind trust on others and rather must complete required documentation of their properties. They should be cautiously social enough to have check and balance on their property along with taking appropriate steps to safeguard their properties by keeping themselves abreast of latest development around the property and related laws which administer the properties. So that a potential culprit may not tend to consider committing such crime against their properties. Because such steps eliminate the vulnerabilities, and once such vulnerabilities are mitigated, it is high likely that a friend, relative or even mafia commit a REC against them.

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