

In the National and International Policy-Making System: The Place of Environmental Protection

¹Prof, Dr. Mohammad Ekram YAWAR, ²Dr. Ramazan Ahmadi, ³Muaiyid Rasooli PhD, ⁴Lec. Abdul Jamil Sharify

 <https://orcid.org/0000-0003-3198-5212>  <https://orcid.org/0000-0002-8299-7080>  <https://orcid.org/0009-0000-8968-8910>

 <https://orcid.org/0009-0001-0727-6726>

¹Dean of the Faculty of Law, International Science and Technology University, Warsaw, Poland

²Department of Sociology, Faculty of Social Sciences, Bamyan University, Afghanistan.

³School of Law, Xi'an Jiaotong University.

⁴Head of Department of Management Information Systems, International Science and Technology University, Warsaw, Poland.

*Corresponding Author :Prof, Dr. Mohammad Ekram YAWAR

"Dean of the Faculty of Law, International Science and Technology University, Warsaw, Poland"

Received: 15.07.2025

Accepted: 09.08.2025

Published: 19.08.2025

Abstract: Today, the environment and its protection have become vital moral and social values, making legal safeguards essential. In Iran, there is a considerable body of laws addressing environmental protection, many of which include criminal sanctions. However, unfortunately, these laws often fail to provide effective protection in judicial practice. Iran's penal policy, as a subset of its criminal policy, is insufficient on its own to resolve environmental issues and must be complemented by administrative, cultural, and economic measures.

Social and industrial changes across societies have sparked new debates and perspectives on crime, with environmental crimes emerging as a significant new category. Rather than relying solely on legal provisions, it is crucial to promote environmental ethics alongside legislation. While passing laws is not always a complete solution, the presence of effective laws and regulations remains important for protecting the environment.

Furthermore, numerous international instruments aim to prevent environmental degradation. To enhance the impact of punitive measures, other components of criminal policy—such as participatory criminal policy and judicial policy—must be strengthened within the field of environmental protection.

Keywords: Environment, National Policy-Making, International Instruments, Criminal Policy.

Cite this Article

Prof, Dr. Mohammad Ekram YAWAR, Dr. Ramazan Ahmadi, Muaiyid Rasooli PhD, & Lec. Abdul Jamil Sharify, In the National and International Policy-Making System: The Place of Environmental Protection (2025) *GRS Journal of Multidisciplinary Research and Studies*, Vol-2(Iss-8).93-100

Introduction

The environment knows no borders or boundaries; environmental crises often have a global dimension, spreading from one country to another and affecting all of humanity. Therefore, appropriate measures must be taken at both the national and international levels to address these challenges effectively.

Common resources such as air and water transcend borders and belong to all humanity. It is the responsibility of every nation to preserve and protect these shared resources. Governments play a crucial role in this regard, acting through supportive actions within both international and domestic arenas.

Considering phenomena such as deforestation, depletion of water resources, the greenhouse effect, ozone layer depletion, and the spread of various types of pollution—which have collectively created enormous problems—it is clear that environmental issues, especially concerning air and water, are fundamental to life. Protecting these elements has always been and will remain a core concern for human society.

Historically, laws such as the Hunting Law and the Hunting and Trapping Law marked early efforts to regulate environmental harm. Over time, the codification of criminal laws progressed in many countries, gradually incorporating environmental crimes into their penal codes. However, despite Iran's long history of criminal legislation, its laws related to environmental protection contain significant shortcomings and weaknesses. These shortcomings become particularly evident when Iranian laws are compared with international agreements or the legislation of more developed countries. Examining the evolution of national and international policy-making is crucial for helping Iran's legislative, judicial, and executive branches adopt and implement effective environmental policies and programs. Decision-making on prohibiting and criminalizing harmful environmental activities should be nationally coordinated, reflecting the public interest and carried out under the authority of the people's representatives.

In viewing the environment as a value within the economic system, it is important to emphasize that most countries today—including both developing and developed nations—recognize the

environment as a value deserving criminal protection, alongside other individual values long acknowledged by criminal law. Many constitutions explicitly recognize the right to a healthy environment as a fundamental value and public duty, essential for current and future generations to live prosperous social lives. Accordingly, economic and other activities that cause pollution or irreparable environmental damage are prohibited.

International normative documents reinforce this perspective. The Stockholm Declarations of 1972 and 1992, alongside numerous international conventions aimed at protecting various parts of the ecosystem, have contributed significantly to recognizing a healthy environment as a fundamental physical value. Article 25 of the Universal Declaration of Human Rights further emphasizes that everyone has the right to a standard of living adequate for health and well-being.

This approach was further developed in the Stockholm Declaration (1972, Article 1), elaborated in the Rio de Janeiro Declaration (1992), and included in regional human rights instruments such as the African Charter on Human and Peoples' Rights. The European Court of Human Rights has also underscored the inextricable link between fundamental human rights—such as the right to life and the right to a healthy environment. A landmark case, *Kabura and Others v. Italy* (1998), exemplifies this: victims of toxic emissions from a chemical plant brought a complaint to the Court alleging violations of Articles 8 (right to private and family life), 2 (right to life), and 10 (right to access to information) of the European Convention on Human Rights. The Court recognized the close connection between these rights and the right to a healthy environment, concluding that a violation of Article 8 implies a violation of Article 2.

Given the above context, this study seeks to address the following fundamental question:

What is the basis for national and international policy-making in environmental protection: punishment, prevention, or a combination of both?

This article focuses primarily on criminal policy related to environmental crime. Criminal policy here refers to the comprehensive examination of strategies to combat environmental crime, encompassing criminalization, the establishment of environmental laws, determination of penalties, and crime prevention. However, criminal policy is generally limited to methods involving penalties and their enforcement. Therefore, this study of Iran's criminal policy regarding environmental crimes aims to be broader than a simple overview of punitive measures. It attempts to explore various dimensions of criminal policy, including legislative initiatives and participatory criminal policy approaches related to environmental protection.

Theoretical Foundations

Environment

Domestic laws and regulations, including the Constitution and other relevant statutes, do not provide a clear or comprehensive definition of the environment. As a result, some scholars have expressed doubts about the feasibility of establishing a precise legal definition of the environment. They note that domestic laws often remain silent on the matter, mostly addressing the environment in relation to natural elements, natural resources, urban areas, and landscapes, and framing rights and obligations

around these themes (Mirazim, 1996). Examples of such laws include the Law on Protection and Development of the Environment, the Law on Protection and Use of the Country's Forests and Pastures, the Law on Hunting and Fishing, and the Law on the Prevention of Air Pollution.

Generally, the environment can be defined as the entirety of surroundings on which human beings depend directly or indirectly, and to which their lives and activities are connected. Although major international conventions, treaties, and declarations do not provide a specific definition, the environment is broadly understood to encompass all physical, economic, cultural, social, and aesthetic conditions and factors surrounding objects and assets on Earth that affect their value and the quality of human life. In other words, everything around us falls within the scope of the term environment.

Considering these perspectives, the definition of "environment" in Article 48 of the Environment Protection Act of India can serve as a useful reference for our legal framework: *"Environment is a continuous set of external factors on which the growth and survival of all living beings, including humans, animals, and plants, depend"* (Fahimi, 1998:110).

Ecosystem

An ecosystem is an ecological community consisting of living and non-living components and the interactions between them within a defined environment (Gurevitch, 2002:222).

Criminal Policy

Criminal policy refers to the measures and solutions aimed at addressing crime, encompassing both punishment and prevention (Marty, 2014:7-9). According to Lazerge, criminal policy includes the study of strategies and actions that the state and civil society, either independently or collaboratively, employ to suppress criminal phenomena, prevent crime, and support both direct and indirect victims (Ramadani and Alizadeh, 2013 :126). In this article, the focus will be primarily on legislative and participatory criminal policies due to their significant importance.

Legislative Criminal Policy

Legislative criminal policy refers to the set of legal provisions—both criminal and non-criminal—enacted by legislators to address a specific criminal phenomenon (Ansari and Atazada, 2019:134). This body of law reflects the legislative criminal policy of a country concerning that criminal phenomenon (Laali and Moazami, 2017:187).

Participatory Criminal Policy

Participatory criminal policy highlights the role of the public and non-governmental social institutions within the criminal justice process. Its primary objective is to prevent or reduce crime by culturally shaping social behavior and involving people and non-governmental organizations in the criminal process, especially after crimes have occurred (Shia Ali and Zare, 2015:287).

The Importance of the Environment in the National Policy-Making System

Consideration for the environment and its protection in Iranian law is often insufficient and sometimes ambiguous, accompanied by weaknesses in lawmaking and fundamental challenges that require substantial efforts to overcome. Two critical issues need attention: first, the integration of environmental science into policy, and

second, the existing gaps in legal frameworks, particularly the disproportion between environmental crimes and their penalties. This imbalance makes environmental violations and destruction increasingly prevalent and tangible.

The enactment of comprehensive and effective laws to prevent environmental degradation within each country's legal system is the best reflection of its political situation, policy-making process, and governance priorities. The overall policy orientation of a country's political system is crystallized in its legal system. Through legally established mechanisms, the desired features of the political structure and the necessary legal frameworks for managing public affairs are realized.

Legal systems around the world have taken diverse approaches to address environmental issues, primarily by enacting laws that aim to resolve environmental problems and promote sound environmental management. Environmental protection is widely recognized as a key responsibility of environmental organizations, which are charged with preventing and deterring any activities that could damage or disrupt the environment. Precautionary measures by states and international organizations play a vital role in mitigating environmental harm and pollution.

For example, the Convention on the Law of the Sea enshrines the principle of prevention and precautionary measures based on the principle of non-pollution. Today, by strictly adhering to safety standards and ensuring the proper disposal of industrial waste, significant progress can be made in preventing environmental pollution (Qasemzadeh, 2007:8).

Legislatures have passed numerous laws, regulations, and ordinances aimed at protecting the environment from destruction. Most of these laws criminalize activities harmful to the environment, thus establishing a legal framework in which such acts are treated as crimes. Environmental crimes are defined as acts causing severe damage to the environment and posing serious threats to human health.

Historically, the earliest legal provisions related to environmental protection in Iran appeared in the Civil Code articles concerning hunting and fishing (Articles 179 and 189). The Hunting Law (approved on 12/4/1335) and the Hunting and Fishing Law (approved on 16/3/1346) primarily addressed the natural environment. However, the first relatively comprehensive environmental law addressing all dimensions of environmental protection, as well as reforming the organizational structure of the Environmental Protection Organization, was the Environmental Protection and Improvement Law enacted on 3/28/1974 and amended on 8/24/1992. A review of Iran's legal system reveals that environmental policy-making has been shaped and expressed primarily through regulations, much like development programs that serve as the country's blueprint for progress through development program laws. The general policies of the system, reflecting the future directions of the legal and political frameworks, tend to be broad and not specifically elaborated.

Therefore, environmental policy-making within many legal systems, including Iran's, suffers from theoretical weaknesses and a lack of political will. Despite some references to environmental policy or general policies in legal documents, true, coherent environmental policy-making — in its original and comprehensive sense — has yet to be fully defined or institutionalized within these legal systems. Ultimately, decision-making related to

environmental policy depends heavily on the perspectives and priorities of a country's political leadership (Babaei, 2015: p.40).

Financial Support from Clean Investors

Expanding the use of clean energy sources—recognized as an essential component of sustainable development in Principle 4 of the Rio Declaration—is one of the most effective strategies for preventing environmental degradation. These energy sources not only avoid environmental pollution but are also naturally renewable, offering long-term sustainability benefits. In countries with the necessary economic infrastructure, providing financial incentives—such as through the establishment of renewable energy funds—can significantly accelerate the transition to clean energy. One practical mechanism is to set favorable pricing for green electricity, allowing it to be sold at much lower rates compared to conventional energy, thus encouraging both producers and consumers to shift toward clean alternatives.

International instruments also recognize the importance of financial support in this context. The **Kuwait Protocol on Regional Cooperation for Combating Pollution from Oil and Other Hazardous Substances in Emergency Situations** (1978), to which Iran is a party, emphasizes the need for financial mechanisms and the creation of capital spaces to facilitate investment. The Protocol explicitly encourages the creation of opportunities for both domestic and foreign investors to contribute to the development of the renewable energy sector. Similarly, the **Convention on Biological Diversity**, adopted in Rio de Janeiro in 1992, acknowledges that halting biodiversity loss requires substantial new and additional financial resources, along with equitable access to relevant technologies. The Convention emphasizes that the specific needs of developing countries must be addressed, particularly by improving access to financial and technological support. It also underscores that significant investment in biodiversity protection can yield considerable environmental, economic, and social benefits.

In summary, the success of environmental protection policies—particularly in the energy and biodiversity sectors—depends not only on legislation and international cooperation but also on the mobilization of financial support from responsible and environmentally conscious investors. Encouraging such investments creates a virtuous cycle of innovation, sustainability, and global environmental responsibility.

Criminal Policy of Islamic Countries (Iran) Against Environmental Crimes Islamic Penal Code (2013)

The Islamic Penal Code of Iran (2013) outlines the legal framework for addressing environmental crimes, incorporating principles from both Islamic jurisprudence and statutory law. The legal elements related to environmental harm are embedded in several provisions, notably Articles 85, 688, and 689.

Article 85 provides that:

"Whenever, due to the negligence or error of a judge in adjudicating a case or applying a legal ruling to a specific matter, material or moral damage is caused to a person:

- In cases of material damage caused by negligence, the judge is personally liable under Islamic principles.

- Otherwise, the State is responsible for compensation.
- In cases of moral damage, if the judge's fault or mistake results in harm to a person's reputation, steps must be taken to restore that reputation."

This article reflects **Article 171 of the Constitution**, which guarantees redress for judicial error—extending the concept of liability and protection to all areas, including environmental harm.

Among the most relevant provisions for environmental protection are **Articles 688 and 689**:

Article 688

This article broadly criminalizes acts that threaten public health and environmental safety:

"Any act recognized as a threat to public health—such as contaminating drinking water, distributing unsafe water, improper disposal of human and animal waste, dumping toxic substances into rivers, littering, unauthorized animal slaughter, or using untreated wastewater for agriculture—is prohibited. Perpetrators shall be sentenced to imprisonment for up to one year, unless subject to a more severe penalty under another law."

Note 1: The responsibility for determining whether such actions constitute threats to public health or environmental violations lies with the **Ministry of Health**, the **Environmental Protection Organization**, and the **Veterinary Organization**, depending on the nature of the offense.

Note 2: *Environmental pollution* is defined as the introduction or dispersion of foreign substances into water, air, soil, or land in a manner that alters its physical, chemical, or biological characteristics, causing harm to humans, other living beings, plants, cultural monuments, or structures.

Article 689

This article links environmental offenses to serious bodily harm or death:

"In all cases covered in this chapter, if acts such as burning, destruction, or other harmful actions result in death, dismemberment, or injury to a person, the offender shall, in addition to the penalties already mentioned, be sentenced to **retribution (Qisas)** and be obligated to pay **blood money (Diyaa)** and other **compensatory damages**."

Together, Articles 688 and 689 reflect the Islamic Republic's intention to integrate environmental protection into its penal code and Islamic legal doctrine. While general in scope, they establish a legal basis for punishing acts that endanger both the environment and human life.

In addition to these provisions, **environmental offenses** are addressed in various special laws and regulations, but the criminal elements are often dispersed throughout the legal framework. Thus, collecting and consolidating these legal elements is necessary for a more coherent and effective environmental criminal policy in Iran. According to (Shia Ali, 2015, pp. 50–51), identifying and codifying these scattered elements is a crucial step toward a comprehensive legal regime for environmental protection—one that aligns national practice with international environmental standards and Islamic principles of stewardship and justice.

Special Laws: Protection of Water Health and Criminalization of Related Crimes

The legal framework for combating water pollution in Iran is broad and includes multiple laws and regulations addressing various aspects of environmental protection. The following legal provisions are especially relevant:

- Note 2 of Article 688 of the Islamic Penal Code
- Article 9 of the Environmental Protection and Improvement Act (enacted on 18 June 1974 and amended on 15 November 1993)
- The Law on Equitable Distribution of Water (approved on 7 March 1984 and amended on 5 November 2006)
- The Water Pollution Prevention Regulation (approved on 6 June 1995)

These laws collectively define criminal acts that endanger public health or pollute water resources, and they provide a range of legal responses, from fines to imprisonment.

Nature of Criminal Response

Protecting the environment—especially water resources—must be undertaken swiftly and decisively. In this regard, a criminal response is generally preferred over a merely punitive response, because the former not only penalizes the perpetrator but also works as a deterrent to prevent future offenses.

Some legal scholars argue that such a strategy reflects a comprehensive criminal policy, one that focuses not just on punishment after the crime but also on prevention. This dual approach is designed to hold offenders accountable while discouraging potential violators through the certainty of enforcement.

Types of Penalties for Environmental Crimes

A) Financial Penalties

Financial sanctions are the most commonly used penalties for environmental crimes under Iranian law. They appear across various statutes and are often employed in conjunction with regulatory oversight. Examples include:

- Article 22 of the Water Pollution Prevention Regulation
This article states that individuals or entities that violate the regulation and cause environmental damage shall be prosecuted and penalized by the Environmental Protection Organization through the judicial system.
- Article 688 of the Islamic Penal Code
This article complements the above by criminalizing acts that threaten public health, including water pollution. It provides a basis for prosecution when specific statutes do not directly address the offense.
- Article 4 of the Executive Regulation related to Clause "C" of Article 104 of the Third Development Plan Law
This clause stipulates those factories and industrial entities must fulfill environmental duties within a specified timeframe. Failure to comply results in mandatory financial compensation for the damage caused.

B) Non-Financial Penalties

1. Imprisonment and Fines

In some cases, imprisonment may be imposed in addition to financial penalties, especially for individuals or company officials responsible for major violations.

- Article 12 of the Environmental Protection and Improvement Law provides for such measures.

2. Imprisonment Alone

As previously mentioned, Article 688 of the Islamic Penal Code stipulates imprisonment of up to one year for environmental offenses. However, this applies only where no harsher penalties are provided by other laws. It should be noted that such punishments are generally directed at individuals, such as factory managers or officials, and not legal entities (companies) themselves.

3. Official Warnings by the Environmental Protection Organization

The Environmental Protection Organization has the authority to issue formal warnings to polluting entities. This is considered one of the most practical preventive penalties.

If a polluting entity fails to comply with corrective orders, the organization can prevent the continuation of its operations. This tool is essential for ensuring early intervention and averting long-term environmental degradation.

4. Suspension of Water Access and Operational Licenses

Under Article 3 of the Implementing Regulation of Clause (C), Article 122 of the Third Development Plan Law, if an industrial unit continues to pollute and fails to pay fines, the Environmental Organization can request the Ministry of Interior to suspend its access to water and revoke or suspend its operating license.

This enforcement guarantee ensures that non-compliant units face real operational consequences. The threat of water suspension or license revocation adds significant weight to the legal framework and motivates compliance with environmental standards.

5. Preventing the Activity and Sealing of Polluting Industries

This form of enforcement is addressed in Article 11 of the Environmental Protection and Improvement Law. These penalties typically come into effect after a polluting unit has ignored prior warnings from the Environmental Protection Organization and continues to engage in harmful activities. However, it is important to note that such enforcement is not always conditional on the prior issuance of a warning—the head of the Environmental Protection Organization may, under certain circumstances, order the immediate cessation of activity and sealing of the facility.

These types of penalties primarily target the legal entity, i.e., the polluting industrial unit itself. While such measures can indirectly affect the unit's employees—potentially conflicting with the principle of individual responsibility—their preventive and corrective value cannot be overlooked. In many cases, the threat of operational shutdown motivates owners to promptly comply with environmental requirements to avoid business disruption and reputational harm.

6. Relocation of Polluting Factories

Another important measure for managing environmental damage is the forced relocation of polluting industrial units. This enforcement mechanism is especially effective when pollution is concentrated in environmentally sensitive or densely populated areas.

Article 15 of the Water Pollution Prevention Regulation specifically addresses this measure, stating that relevant

governmental institutions—such as the Ministry of Agriculture and Jihad—must cooperate with the Environmental Protection Organization in relocating offending units. This policy allows for the continuation of industrial activity in more appropriate locations while reducing the negative environmental impact in the original area.

Criminalization and Protection of Clean Air

Criminalizing acts that contribute to air pollution is another essential component of environmental protection under Iranian law. This issue is addressed in several legal documents:

- Article 9 of the Environmental Protection and Improvement Law defines environmental pollution as "the mixing or introduction of foreign substances into water or air," and explicitly prohibits all acts that result in such pollution. This is considered the first legislative response to the issue of air pollution in Iran.
- Article 688 of the Islamic Penal Code also deals with public health threats, including acts that result in air pollution, although it frames the issue within a broader public health context.

Despite these legal provisions, one critical issue remains: the lack of clear legal articulation of the criminal nature of air pollution in some laws—especially the Law on the Prevention of Air Pollution. While the act of polluting the air is explicitly prohibited, the law does not always specify it as a crime, nor does it clearly define criminal penalties for violators. However, based on a comprehensive reading of the law and related regulations, and given that prohibited acts under environmental legislation typically fall under criminal enforcement mechanisms, it can be logically and legally concluded that any act causing air pollution is indeed criminal in nature, even if the statute does not explicitly use the word "crime."

That said, ambiguity in legal terminology can lead to inconsistent enforcement and judicial interpretation. Therefore, it is strongly recommended that the legislator amends and clarifies the relevant laws by:

- Explicitly criminalizing all air-polluting actions,
- Defining clear thresholds and standards for pollution, and
- Specifying proportionate penalties to reflect the severity of harm caused.

Such legal precision would strengthen the framework for environmental protection and enhance accountability in both public and private sectors.

Application of Participatory Environmental Criminal Policy in the Legal System of Countries and International Documents

One of the key characteristics of preventive measures is that they consider different levels and analyze various systems. These measures can be population-centered, group-centered, or individual-centered (Saroustani, 2009: 92). The principle of prevention requires individuals to take proactive steps and adopt measures to avoid and minimize damage to the environment.

In general, the principle of prevention is based on scientific certainty, whereas the principle of environmental precaution lacks such certainty. The development of necessary measures to prevent

and avert foreseeable accidents has significantly advanced due to scientific confidence. Prevention is justified in the public interest and is carried out by the decision-making authorities. Therefore, taking appropriate and essential actions to prevent foreseeable accidents is imperative. In contrast, precautionary measures are applied in situations marked by uncertainty and lack of scientific consensus. Hence, the principle of prevention focuses on actual and identifiable dangers (Ramadani, 2012: 234–236).

Given these necessities, most countries around the world have enacted specific laws aimed at preventing, combating, and protecting natural resources from environmentally destructive actions. Studying and analyzing this issue in its various forms—particularly in the discourse and legislative frameworks of both international documents and Iranian law—is crucial. This includes examining environmental protection strategies, social developments, the roles of institutions in enforcing penalties, and other related matters. In light of growing environmental awareness, it is hoped that the principle of environmental prevention will be more effectively implemented.

In international environmental law, the principle of prevention holds a prominent position and is referenced in numerous global environmental instruments. The precautionary principle is explicitly stated in Article 21 of the Stockholm Declaration and reiterated in Article 2 of the Rio Declaration. Article 21 of the Stockholm Declaration has two main components. The first reaffirms state sovereignty, acknowledging that nations have sovereign rights over their natural resources. The second part imposes limitations on this sovereignty by establishing the obligation to consider the environmental impacts of activities on other states and areas beyond national jurisdiction, and to avoid causing harm through actions conducted under their authority.

The principle of prevention operates in two stages: one before the occurrence of an accident, aimed at preventing it, and the other after an incident, dealing with its consequences. In practice, however, civil liability conventions rarely address the preventive phase before an accident.

Preventive measures must be undertaken by the operator before any accident occurs, and the state cannot assume this responsibility. This is because it is the operator, not the state, who handles hazardous materials and employs related technologies. Even though the fear of compensation for damages might compel an operator to take preventive action, it remains the state's responsibility to ensure that the operator meets required safety standards and preventive obligations.

Prevention is a fundamental condition for the legality of hazardous activities. It is not acceptable to carry out such activities without first implementing adequate precautionary measures to prevent, reduce, or control potential harm—merely relying on compensation for damage afterward is not sufficient. Another foundational concept in international law that supports the idea of prevention is the principle of *good-neighborliness*. This is emphasized in Article 74 of the United Nations Charter, which states:

"The Members of the United Nations also agree that their policy in social, economic and commercial matters, both in the territories covered by the provisions of this Chapter and in their own territories, shall be based on the general principle of good-neighborliness, with due regard for the interests and well-being of other parts of the world."

The Role of Civil Society Organizations in Preventing Environmental Crimes

Environmental NGOs are centers that can direct and guide public participation in environmental protection, and increase returns by focusing individual and collective efforts.

Environmental NGOs have seen significant quantitative growth in the last decade, but their qualitative growth has not been able to increase because their quantitative growth has been on an upward curve, and the reasons for this need to be investigated.

The first environmental NGO in Iran was the Ashkhar Villagers Group of Yazd, which began its activities in 1349 with the aim of stabilizing the rivers and combating desertification.

After the Rio Summit and in response to the global environmental movement, other environmental non-governmental organizations emerged in countries in the 1970s and have been gradually growing and expanding ever since. These organizations play an effective role in accelerating the goals of environmental protection, pollution reduction, and environmental damage restoration.

Environmental NGOs, on the one hand, have emerged due to the needs of civil society, and their role is, of course, to raise public awareness of environmental issues. On the other hand, they are considered a kind of watchdog over the performance of the state and government in environmental matters. In the public government system, this issue can be discussed from two perspectives: First, whether NGOs have properly fulfilled their role of public awareness and have not provided incorrect information to the public and have not caused confusion in public opinion.

On the other hand, public participation in environmental protection should be strengthened more than before, as this work is considered one of the needs of wise environmental management in the country (Lahijanian et al. 2010: 102).

In general, it can be said that non-governmental organizations are private, non-profit, and self-governing organizations that work to achieve broad goals in the fields of social development, the environment, poverty reduction, the promotion of equality and justice, and the defense of Human rights organizations. These organizations often work closely with local communities and vulnerable groups and provide services that are more effective and less expensive than government services.

In fact, NGOs work to develop and ensure the common good through non-profit, voluntary activities and the provision of public services and advocacy.

In any case, the main function of NGOs, based on the analysis of the nature of their activities, is "participatory and supportive" and naturally this function can be achieved by expanding NGOs' contacts with governments and bureaucratic apparatuses for the purpose of exchanging ideas to improve the implementation of development plans.

International Documents on Environmental Protection

Some international documents also emphasize the need to protect nature and the environment, as well as the necessity of taking criminal measures.

For example, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, regarding the role of criminal law in protecting the environment and nature, has stressed

the need to implement criminal measures. At the beginning of this document, the importance of the environment is highlighted, stating:

“With the deep conviction that in addition to the measures foreseen by administrative law and responsibilities based on civil law, measures should be taken in appropriate cases in the field of criminal law.” (Amir-Arjamand, 1995: 430-431).

Such special attention paid by members of the global community to environmental problems indicates their serious determination to confront environmental threats, including air and water pollution, among others.

It is thus noted that international regulations (including treaties and customary law) related to the environment—whether in a general or specific sense—and the criminal protection of the environment have been shaped and codified. (Taghi Zadeh, 2008: 18).

General Documents

These documents are very diverse in nature, numbering more than seven, and a list of them is provided. What is noteworthy about these documents is that their principles are framed under the umbrella of human rights, and they do not recognize environmental rights as independent from human rights. This approach has contributed to the limited effectiveness of these documents.

Special Documents

Specialized documents in the field of environmental law focus on the following areas:

- A. Identification of environmental impacts
- B. Protection of the seas and aquatic environment
- C. Noise pollution
- D. Chemical pollution
- E. Oil pollution
- F. Nuclear pollution
- G. Energy
- H. Protection and preservation of living beings
- I. Protection and preservation of the inanimate environment
- J. Protection of the world community's heritage
- K. Protection of clean air against pollutants
- L. Environmental cooperation

Conclusion and Scientific Achievement of the Research

Considering the vastness of the environment and its significance, as well as its crucial role in the economic and social development of the country, environmental protection has been emphasized in fundamental laws such as the Constitution and the general policies of the Islamic Republic.

Regarding the principle mentioned in the constitutions of various countries, it should be noted that although this principle appears in the chapter on economic affairs, neither its text nor its intent is limited solely to economic matters. The text emphasizes that economic and other activities should not pollute or destroy the environment. The purpose of this principle, as indicated in its title, goes beyond economic issues.

Given its nature, it would have been more appropriate for this principle to be included in the General Chapter or the Rights of the Nation Chapter, because this principle not only expresses the obligation to preserve the environment but also guarantees the right

to a healthy environment. Therefore, removing the economic restriction from its text would have been fitting. Additionally, the principle expresses a general and future-oriented obligation, which is evident from the way it is framed and underscores its importance to the legislator. What seems clear is that our country requires a targeted and differentiated criminal policy in dealing with environmental crimes, which it currently lacks. Existing laws are inconsistent and fragmented, with ineffective and insufficiently varied penalties being among the weaknesses of criminal legislation in the environmental field.

An important point in this analysis is the legislator's overall view of the environment: the value attributed to environmental protection is entirely under the shadow of societal interests. The environment holds no intrinsic value independent of society and social interests. A clear example of this is found in the Islamic Penal Code, the country's most important criminal law, where the main objective of articles related to the environment is the protection of property, and issues such as the protection of prohibited species are treated as secondary concerns.

Furthermore, in the drafting of articles related to water pollution, sewage disposal, and other matters of public use, the legislator's focus on property protection has been criticized—a stance that warrants scrutiny. While the general approach of international environmental law has faced criticism, greater attention to international environmental instruments—which mainly emphasize non-criminal responses—could strengthen and improve the effectiveness of the domestic criminal justice system's approach to environmental protection. These international instruments are diverse and can effectively fill existing legal gaps.

Moreover, judicial policy in this area should be decisive and implemented with zero tolerance.

However, a purely punitive approach without incorporating preventive measures and appropriate non-punitive responses—some of which, including public education, are mentioned in the Hunting and Fishing Law—will not be fully effective. Therefore, separate criminalization of environmental crimes with appropriate penalties, alongside strengthening environmental protection agencies, appointing judges with expertise in environmental law, establishing specialized courts, and implementing targeted preventive measures, are all necessary steps to achieve the goals of environmental legislation.

References

1. Amir-Arjamand, Ardashir, (1995) Environmental Protection and International Solidarity, Journal of Legal Research, No. 15. For access: <https://tinyurl.com/2zzya3nu>
2. Ansari, Jalal, Atazada, Saeed, (2019) Criminal Policy of Iran and America Against Cybercrime and Fraud Crimes, Information and Criminal Research, No. 3. For access: <https://elmnet.ir/doc/2198522-14712>
3. Babaei, Ramin, (2015) Study of the Jurisprudential and Legal Basis of the Right to the Environment, Advanced Master's Thesis, Urmia University, Professor Reza Nikkhovah.
4. Taghi Zadeh, Mostafa, (2008) Book, Environmental Rights in Iran, Publisher. Samet, Tehran. For access: <https://tinyurl.com/5dwdsv7n>

5. Delmas Marti, Miri, (2014) *The Great Systems of Criminal Politics*, translated by Ali Hossein Najafi-Ebrandabadi, publisher. Tehran, Mezan Publishing House. For access: <https://tinyurl.com/zkeb5b95>
6. Ramadani Qavamabadi, Mohammad Hossein, (2012) *A strategic study of environmental protection education in Iran: Necessities and constraints*, Rahabard, No. 65, pp. 233 to 258. For access: <https://tinyurl.com/48djxa46>
7. Ramadani, Miryasin and Alizadeh, Akbar, (2013) *Criminal Policy; Tools, Authorities and References for Intervention in Judicial Criminal Policy*, Kara-Aghah Chapter 7(25). For access: <https://tinyurl.com/mu7j5dx5>
8. Saroustani, Sadiq, Farajiha, Mohammad, (2009) *Crime Prevention with a Sociological Approach*, Naja Educational Assistance, Tehran. For access: <https://tinyurl.com/2kyzvpww>
9. Shia Ali, Ali; Zare, Vahid and Zare, Mojtabi, (2015) *The Place of Participatory and Reactive Criminal Policy in the Stage of Criminal Prosecution in Iranian Law. Studies in Criminal Law and Criminology*, Vol. 4(2) and (5). For access: <https://tinyurl.com/mrsnuzdu>
10. Fahimi, Azizullah, (2008) *Philosophy of Environmental Law and Its Effects*, Philosophical-Theological Research Journal, Qom University, No. 35 (3) For access: <https://tinyurl.com/3saf6ucs>
11. Qasemzadeh, Seyyed Ruhullah, (2007) *Studying the Dimensions of Environmental Rights with Emphasis on Aspects of Preventing Environmental Pollution*, Chapter Allamah, No. 15. For access: <https://tinyurl.com/36z8psrc>
12. Lahijanian, Akram El-Molouk, Arjamandi, Reza, Mohramnejad, Nasser, Jamshidi Deljoo, Mojtabi, (2010) *Study of the structure and function of environmental non-governmental organizations and their role in the urban development process of Tehran province. Environmental Science and Technology*, 12th volume, No. 3. For access: <https://www.sid.ir/Fa/Journal/Supporting.aspx?ID=12065>
13. Laali, Atefeh and Moazami, Shahla, (2017) *Iran's Legal Criminal Policy Against Women's Violence. Studies in Political Science, Law and Jurisprudence* (1) 3 For access: <https://civilica.com/doc/721041/>
14. gurevitch, Jessica, *the ecology of plants*, published by sinauer, usa, 2002.