

The Strategy of Implementing Criminal Policy in Environmental Crimes

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Abstract

Introduction: The implementation of criminal policy for prevention of environmental crimes was examined in this study. Prevention is always better than cure, which is an important concept applicable to all aspects, as in this case, because most of the damages inflicted on the environment have a low probability of being restored. In addition to state agencies, non-governmental organizations (NGOs) also try to protect the environment. Some of the existing laws address environmental crimes. Environmental crimes are defined as crimes that cause severe destruction and damage to the environment and are a serious threat to the human health. **Objectives:** The objective of this study was to evaluate the implementation of the criminal policy for environmental crimes, because compensation and return to the previous status in these crimes is very difficult and perhaps impossible. **Results:** The result here indicates that with respect to the criminal policy of the law, thereof, our country lacks a comprehensive policy regarding environmental crimes, and the existing laws have some restrictions and defects. Swift and decisive acts against the criminals who misuse and damage the environment could have a preventive role. In spite of numerous laws and regulations in the environmental context in our country, appropriate support in this realm does not exist. **Conclusions:** Considering the fact that the environmental issues need to become a trained cultural aspect among all social statuses and strata, NGOs play an active role to achieve this goal.

Keywords: Criminal policy, environmental crimes, non-governmental organizations, prevention

INTRODUCTION

The increase in environmental destruction and damage has become a major concern for the communities. This destruction of the environment is obviously manifested as environmental crimes. These crimes, that is any misconduct afflicted on the environment, have a different nature compared to other crimes and, because of its complex and multidimensional context, its recognition is difficult.^[1] Environmental protection and conservation against crimes committed on the environment, animals, plants, and historical monuments are some of the issues raised in the paradigm of globalization, which requires all governments and people active in this regard, regardless of political, cultural, social, economic, or racial deviation, to be aware. Therefore, in the realm of environmental crime prevention, some penal and criminal strategies were proposed.^[2] The focus of scientific and academic institutions on environmental issues has led to choosing an interdisciplinary approach in studying the different nature of environmental sciences; consequently,

this study requires an interdisciplinary approach. The misconceptions with the perception that environmental crime is not an offense has led to lack of attention toward environmental crimes. If the triangular theory of crime in the left deviation theory involves the community, people, and government, and the green crime was involved in this context, some believe that gentleness and leniency while dealing with environmental crime offenders have caused the nature and severity of this crime to be underestimated.^[1] Accordingly, the following twofold questions were proposed: Why the healthy environment cannot be classified in fundamental values of society? and Why this issue does not require penal protection like other merits?, that is, whether the penal law with its traditional indices was capable of achieving its objectives namely intimidation and

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Access this article online

Quick Response Code:



Website:
www.ijeehs.org

DOI:
10.4103/2423-7752.199290

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How to cite this article: Dorri N, Heidari M. The Strategy of Implementing Criminal Policy in Environmental Crimes. *J Earth Environ Health Sci* 2016;2:89-96.

prevention of environmental crimes. By referring to related literature, it seems like they have mostly assessed the laws and effectiveness of these rules regarding the protection and conservation of environment from crimes committed on it with no focus on prevention of such crimes through non-penal strategies. The objective here was to evaluate the performance of the criminal policy on the prevention of environmental crimes through descriptive analytic approach, because the compensation and restoration of the same to its previous status is very difficult and perhaps impossible.

Literature review

- (1) Mohsen Abdolahi (2007) in his article entitled "Penal protection of Environment: a contemplation or the mandatory measures" published in "Environmental Science" stated that the assessments made on the regional countries, domestic and international documentations, or regulations indicated that the issue of "environment" was converted into one of the most valued issues by man. These features, thus, make the environment worthy to be protected by penal laws. Moreover, in countries where the society did not give this status to the environment, the penal codes would contribute to make it institutionalized and thus enforce environmental ethics.
- (2) Dr. Gholamhossenin Kooshki (2013) in his article entitled "The challenges of penal code regarding environmental crime" published in "Legal Information Periodic" stated that the legislator of environmental crime must consider this type of crime in the legal order with its status as other crimes and threats. "The environment" was considered as a live entity and any offense and aggression could be eliminated by strict control over the issue.
- (3) Dr. Ramezani Garan Abadi (2011) in his article entitled "Prevention and suppression of environment crimes offends subject to NGOs' measures and state legal order" published in "Ministry of Justice Legal Journal" stated that according to the objectives of environmental protection, protecting the environment was an almost impossible task without considering the efforts made by the non-governmental organizations (NGOs) with respect to standardization of supervision and implementation. This crime as a negative social phenomenon forces the full social capacity to at least suppress measures that are a provision for this crime. Affiliation and participation of NGOs in the penal process is one of measures appropriated in a social context, which is a fact effective in accomplishing prevention measures in the society.
- (4) Elham Heydarizadeh (2003) in her article entitled "Prevention of environmental crime" published in "Environment Ethics Periodic" stated that with no doubt, just knowing that this issue threatens the world with its detrimental risks is not a solution. That is, serious attempts should be made to control and reduce the inflicted harms to the environment. The

authorities should not overlook this vital issue; otherwise, environmental crime would increase and lead to and destruction of the environment, and hence human suffrage.

MATERIALS AND METHODS

The reviews included in this article were extracted from studies conducted on the environment and related dissertations. The referred articles in this context consisted of the following data: (1) Article 50 of the constitution, (2) Article 6 that is regarding the protection and improvement of the environment, (3) Article 13 that is regarding the environment protection law, and (4) conversion on environmental laws.

The study also included articles from related magazines and scientific periodicals such as the following:

Law, alame quarterly, crime prevention, ethics of ecology, environmental sciences, the investigators, the court publication, etc.

Criminal policy

To oppose this criminal phenomenon, this policy adopted the multiple penal and non-penal strategies. Criminal policy is related to both the crime and deviation, whereas the penal policy only relates to crime. No precise definition of deviation was given, and there existed no precise accepted, universal boundary, which distinguished normal behavior from abnormal behavior.^[3] Scholars have not provided a single definition on criminal policy, and this led to the emergence of a type of ambiguity in the sense of the term.^[4] Criminal policy is a set of measures that the board of society adopts in the face of crime phenomena, ranging from the prevention of crime to retribution and response. Therefore, the legislative criminal policy is a branch of the criminal policy. The legislative in the criminal policy for crime control, in addition to penal responses, benefits from the participation of social institutions. The main duty of the criminal policy was crime control.^[5] Many definitions have been and are cited for criminal policy; hence, each definition among the macropolicies of the government reveals the characteristics of each policy. Macro is coordination and solidarity among its components.^[6] If we regard the criminal policy as a treat with crime, there existed no government in history without criminal policy, because it had certain reactions against the crime; even "inaction" in itself was some kind of criminal policy.^[7] With no doubt, for a good support of the environment, we should not be convinced with penal tools; therefore, by applying them, we should not forgo the effectiveness of other sanctions (civil administrative) and ignore them. In many cases, application and performances of penal sanction was more civil than administrative,^[8] and in some cases, durability of some pillars of society such as order, security, and comfort mostly depended on their existence and application.^[9] In many cases, it was appropriate to use penal methods. Policymaking in the field of the environment

depends on the type of political regime and strength and favorable environmental concerns and aspirations of policymakers made where the setting will be distinctive, where, the methods of entry of problems input and policies as the outputs, the subject of this study, that is, drawing policies should not be different in principle.^[10] With regard to adoption of an appropriate criminal policy that will allow a criminal judge to apply all the available means, in addition to observing the legal aspects, one of the most important purposes and principles of modern criminal law, namely individualizing the social reaction (punishment), was achieved.^[11] Criminal policy is an art and technology with the objective of finding methods to make the fight against crime effective.^[12]

Prevention

Prevention is one of the key strategies outlined in the realm of social control, which consisted of a set of direct and indirect measures aimed at creating facilities and deterring opportunities from crime, wherein deviance would be designed and developed. In Iran, lack of a comprehensive policy in this field was felt more than ever.^[13] Crime prevention was among the main strategies of criminal policy wherein prediction, identification, and assessment of the risk of crime and measures and the actions necessary to eliminate or reduce crime in a national program were counted as the most effective ways to prevent crime.

National Crime Prevention Plan needs a process wherein the mechanisms of inhibition of crime in any society is defined, and then implemented.^[14] Crime prevention has several different models with three stages, and social prevention is the most important one. Three-stage prevention was introduced in criminology in 1967, based on the medical model.^[3] The purpose of these prevention policies was to remove and neutralize the factors causing offense in both private and public crimes. It included the set of actions that directly or indirectly aimed to effect individuals to prevent them from organizing their criminal activities. This stage of prevention had a collective dimension that aimed to prevent potential crime.^[15]

Environment

Some authors are in doubt on providing a comprehensive and legal definition on “environment”^[16] because civil rights in Iran and in many countries are silent on the definition of the environment, and they usually relate this concept to the elements of nature, natural resources, urban environment, and landscape. That is why the concept of the environment could be different in the perspective of different countries in terms of the importance given to the environmental elements.^[17] The environment contains all aspects for providing a peaceful life and good health for this and future generations.^[18] Overpopulation and urbanization, as well as the demand to increase the goods and expand services led to the growth of industry and technology, which in turn led to environmental degradation and its pollution in

different areas of the world including the Islamic Republic of Iran. This phenomenon was revealed by the extinction of wild animals, polluted forest air, and water and noise pollution. Iran, like other countries, has ratified some actions including codification of laws to preserve human and renewable natural resources. As to the definition of the term environment, Doctor Gavam has cited that “Environment refers to all environments where the human race directly or indirectly depends on and his/her activities are associated with it.” However, so far no outstanding result has been obtained yet.

Protection of the environment

Discussions on environmental protection often focus on the contributions by the government, parliament, and law enforcement agencies. However, in the broad sense, environmental protection is a social duty, not just of the state and its affiliated organization. Discussions on the environment include a wide range of stakeholders, including industry, indigenous groups, environmental groups, and representatives of society. Decisions made to protect the environment reflect a wide range of stakeholders and are common in most countries. Many laws imposed on the fundamental protection rights state that many international treaties have granted the right to human to live in a healthy environment. Many countries have organizations and agencies that are dedicated to environmental protection.^[19] In the United Nations, (UN) Environment program, a special section is attributed to the international environmental protection is not merely upon this organization. Although environmental protection is not the duty of the state agencies, these are involved in developing and maintaining basic standards on environmental protection and their interaction(s) with the public (green site).

Environmental crimes

Drawing policies in the realm of environment is subject to the overwhelming political ruling, policies, and the strength and weakness of the predicaments concerning the environmental issues. These issues can shape customized policy formats. It is essential to note that in establishing methods and implementation measures as to inputting data and yielding policies in this sense, policymaking should not vary in principle.

Environmental crime can be defined based on legal concepts or with respect to the prospects of loss.^[20] Policymaking in the environment field depending on the type of political system and severity and weaknesses of the environmental concerns with respect to the objectives of the policymakers is expressed in different shape and framework, but the methods and mechanisms of the elements constituting the inputs and outputs policies, which is the subject of study in the policymaking science, should not differ in principle.^[10] Today, the abuse of renewable natural resources and the competition thereof have dramatically increased, and the constraining and inappropriate economical tools have caused different

environmental pollutions. The use of economical tools such as green taxes, salable licenses, deposit, systems, repayment, and recognition of environmental crimes are solutions that can be very effective in modifying the behavior of consumers and manufacturers to protect the environment.^[21] Many countries have applied measures that consider environmental destruction as a crime (the green offense), and they have assigned appropriate penalties. Regarding regulations in Iran, in this context, environmental crime is in both the general and specific forms, and some these definitions include all individuals and concepts, and occasionally a part of these concepts are of concern.^[22]

Environmental crimes include a wide range of activities that result in damage to the environment. In fact, environmental crime means any act or mission that causes damage to the environment. Therefore, a clear example of environmental crimes can be attributed to polluting the environment, that is, “releasing or mixing foreign materials into soil, water, air and land to an extent that it changes the physical, chemical or biological quality of the renewable natural resources and expose humans and other organisms to health hazards.”

It could be deduced that environmental crimes have different characteristics than other offenses. Environmental crimes have diversity in its criminal behavior, and the consequences thereof are also diverse.^[15] According to the law of environmental protection, it includes crimes against all living creatures except humanity. Environmental improvement and prevention against any pollution or anything that cause environmental instability are among the duties of the Environmental Protection Agency. In addition, all issues related to aquatic organisms and wild creature’s destruction of forests and grasslands are among the factors that cause imbalance in the environment in accordance to paragraph 2 of Article 6 of the same law, and are considered as environmental criminal acts (environmental and enhancement act). With respect to civil liability of real entities, there is agreement among everyone, but the penal liability of legal persons is controversial; however, given the importance of the role and influence of legal entities, most lawyers believe that in criminal laws legal entities should have higher responsibility, because offenses committed by legal entities will be much higher and more important. Discussion of criminal liability regarding environmental crimes is because of the fact that most of the environmental crimes are committed by legal entities, to name a few are the factories, workshops, and petrochemical plants.^[23] Many of the observers enforcing environmental legislation, who are often the enforcement officials, whether because of lack of environmental awareness or because of underestimation of the importance of this type of crime comparison with traditional crimes, behave in a compassionate manner.^[24] Another cause of this risky illusion is the fact that organizations under supervision by economic development of the country contribute in providing a part of welfare to citizens by emphasizing on their observations in compliance with environmental legislation.^[25] Environmental

crimes are added to the three well-known criminological terms of corporate crimes, organized crime, and white-collar criminals. The “Green Movement of Criminology” by developing the concept of loss is following the criminalization of all environmental destructive behaviors, whereas one problem with the green criminologists is lack of adequate criminalization and penal sanction system in this field, leading to a catastrophic situation. It should not be forgotten that environmental crimes are mostly committed by white-collar criminals. The pioneer of white-collar crime theory, Edwin Sutherland, with the publication of white-collar crime book, referred to some unseen effects; from his perspective, white-collar crimes are crimes that are committed by the respected people, in other words, by those of high social status in their job discourse (organizational).^[26]

Environmental law

Regarding environmental rights in Iran, first we can cite Article 50 of the constitution. “In the Islamic Republic of Iran,” protection of the environment is the duty of the existing generation and the generations to come if the flourishing of the society is of concern. Hence, economic activities that cause environmental pollution or irrecoverable damages are forbidden. Environmental law is one of the youngest and most important branches of law. The importance of this discipline is more because of its direct link to “human” life and health. Considering the importance of the environment and prevention of pollution and destruction of its manifestations, an important development that took place after the Islamic Revolution of Iran, is the point that the issue of environmental protection has been inserted into the constitution and has allocated a principle of constitution to itself.^[27] Forest loss and degradation, destruction of wildlife habitat, destruction of pastures, drying up of wetlands, chemical pollution of biological and coastal waters of the Caspian Sea, and oil pollution of Persian Gulf are among the most important ecological problems of the country. Every thinking man with an understanding of the risks involved here will feel that choice is limited to one thing: “prevent further damage and protect the environment.”^[21] The objective of environmental law is to limit human impact on the natural environment and its elements, and this is not only effective in direct and immediate sense, but also in the interests of citizens and improving their fate regarding environmental protection for now and the future. In addition, environmental law is considered as a fundamental right of citizens, because a healthy environment can guarantee physical and spiritual health and the right to life.^[28]

Environmental penal law

The environmental rights like any other right needs to be guaranteed, because like any other right it may be subject to abuse. Today, in many countries, pollution and environmental damage is a serious crime, and punishments have been set for the perpetrators.^[29] Environmental penal rights constitute a section of the environmental rights, which ultimately

guarantee their compliance with the rules.^[30] Preventive measures can prevent the occurrence of many environmental crimes. In addition to prevention, taking a reactive approach along criminalization of environmental destruction is very important.^[31] Today, the official form of prevention programs is not promising, because these programs require the participation of the whole society. To protect the environment, if it is possible to use administrative rights or other mild legal measures and adjust them to control the behavior of individuals, not only the use of criminal law is not correct, but in many cases, it may be harmful and detrimental. In fact, the penal law as the last limit could be adopted as the harshest control tool.^[32] According to Dr. Mahmoud Akhundi, "Now the main problem is that always want to face the issue by punishment and retribution, in fact, we want to resort to imprisonment or fine or whipping while this is not justified. We should look for solution. We should adopt preventive policies not policies that punish the perpetrator after the destruction and loss has occurred. If we push policies from retribution to remedy, more appropriate results would yield."

Prevention and other forms of non-penal manners

It is known that prevention before infection is the best treatment. It is obvious given that our main objective is to protect the environment and prevent pollution. This will make us to follow the prevention before cure policy if success is of concern.^[34] Today, NGOs contribute to penal justice system to achieve its goals in the following two directions: (1) by doing their tasks and reporting the crimes, thereby helping the penal justice system to find criminals, and (2) by performing their role in the penal process by assisting specific victims. In addition to the aforementioned activates by integrating public opinion, advertising and information and on-time distribution would contribute the support of the environment. To any extent that the existing cultural and social needs are in the society, the penal justice will achieve its objectives in a rapid manner with high quality.^[35] In the definition of environmental NGOs it is stated that "Environmental non-governmental organizations refer to non-profit and non-political non-governmental organizations organized by gathering of voluntarily individuals with their codified constitution, registered as a legal entity to achieve common objectives in the field of environmental protection at national and why not if necessary at international level."^[36] Thus, to protect and support the environment, we need organizations and social associations to fulfill government programs. The associations could induce effective co-operation of people according to the country's cultural and social values.^[4] The fact that the environmental issue needs to become a cultural norm in all social and strata depends on the NGOs active role. In the constitution of the Islamic Republic of Iran regarding environmental protection and the legitimacy of NGOs' activities, two important principles prevail in protecting the environment. Protecting the environment is considered a general duty and any misconduct/misuse that causes pollution or destruction of the environment is banned; accordingly, all Iranians should act and become involved in protecting and

supporting the environment. On the basis of this principle, the establishment and participation in environmental NGOs must correspond to the contents of Article 50 of the constitution that is regarding environmental protection and guaranteeing it be considered as the sustainable development measure.^[32] According to various functions of these organizations, the important question is whether preventing environmental crimes is in their jurisdiction? The answer to this question requires expressing the following points: in reference to the prevailing regulations in the Iranian legal system, only sporadically different materials are allocated to participation of NGOs. There exist no comprehensive and independent law on prevention, because crime prevention programs are formed in an official substrate and no place have been considered for NGOs.^[37] Over the past decade, many countries with development of prevention strategies have attempted to minimize their reliance on intervention of the justice system. The reason for taking this strategy is the limited capacity of justice system to reduce crime or prevent it. In the above strategies, local actions, seeking help from residents and intersectoral collaboration, are of first priority.^[37] To prevent and protect the living environment, different methods are applied. Environmental experts introduce the following manners as a non-penal measure.

- (1) Providing high level of knowledge and awareness to the public regarding the dangers of environmental destruction and guiding them to comply with the required recommendations that will be announced by the relevant authorities.
- (2) Providing information on the importance of environment and all renewable and natural resources and making them understand that these constitute the common wealth and the heritage of mankind.
- (3) Providing required recommendations to the industries involved in polluting the renewable and natural resources toward implementing the necessary procedures in preventing pollution and minimizing it.
- (4) Prevention of uncontrolled urban expansion usually is associated with environmental destruction (pollution of rivers and destruction of aquatic resources).
- (5) Proper destruction of waste materials from different industries through scientific means.
- (6) Preventing the industrial waste water discharge in natural water bodies.
- (7) Nonissuance of licenses for any production unit wherein the criteria related to health and environmental issues are not observed be it in the construction or the applied equipments.^[21]
- (8) Increasing public awareness in biodiversity and promoting public participation.
- (9) Developing data and research systems regarding biodiversity of aquatic resources in specific areas.
- (10) Sustainable exploitation of aquatic resources.
- (11) Establishment of systematic management of aquatic resources (biodiversity) (Iranians site).

The inadequacy of the legal mechanisms of civil liability in environmental protection

In the field of environmental protection, one of the objectives of the sanctions is to provide “support environment and modification of related social values,” which is inherently out of scope of civil rights. Because these rights are usually considered as laws that are “morally neutral,” the reactions are applied not for antisocial behavior punishment, but as preventive measure by fining the victim. This feature of civil liability in combination with legal system wherein some of pollutions are considered legal is not able to send the adequate message on the unacceptability of environmental damages.^[31]

Insufficiency of administrative rights' mechanisms in protecting the environment

The pattern of administrative rights regarding environment protection is based on the cooperation approach. Herein, in addition to monitoring the dangerous activities in industries of polluting the environment, negotiation, consulting, training, persuasion, and encouragement would lead to achieve a better and faster predictive and preventive environmental protection measures at lower cost.^[38] Practical cooperation approach is necessary in all aspects, whereas at the same time, it faces some challenges that reduce adequacy of this approach for all situations.

The people factor

One of the best and easiest ways to protect the environment is by the participation of people. Stimulating their motives to accomplish this objective is very essential and productive because when people understand that their life depends on the existence of healthy living environment, strong incentives will be created in their minds, that is, and they will proceed with all of their facilities and abilities on this path.^[17] To provide a proactive response to environmental pollution with various measures public participation, which is subject of tenth principle of Environment and Development convention is of essence. Undoubtedly if we want to eliminate the sources of environmental contaminates in a wide range, both in domestic and international scope, we must get help from all members of the world community. This program is named the “criminal policy of cooperation.”^[11] The authorized sub-agencies of the United Nations have resorted to the program to resolve international problems such as the environmental crisis.^[18] One of the approaches that can be applied in achieving a preventive measure is restricting the hunting and fishing licenses. According to Article 6 of protection and improvement of the environment laws, establishing any temporary time-table (the seasons and hours), location (national park, protected area-specific restrictions), type (protected animals), and approaches (a variety of weapons and munitions and ways and means) should comply with the decisions made by the supreme council.^[39] According to the provisions of council of the environmental protection laws,

measures applied on fishing and protecting wild animals with normal or limited license issuance on hunting and fishing and prohibition of capturing some birds and animals alive are among the duties of the environmental protection agency, and its permanent cases are related to the environmental protection council.^[39] In Iran's domestic law, Article 33 on preventing air pollution insists that the public radio and television are obligated to shape the public opinion by introducing the related laws and regulations in this respect.

Efforts by the private industry

Industrial production centers in many countries, especially developed countries, have taken effective measures to improve the environment and reduce pollution. If these measures become extended, accordingly by environmental conditions the geographical region would improve, which can gradually cover bigger international scale and become an effective answer to environmental crimes. In some of the industrialized countries, voluntary environmental agreements often provide a platform for companies to recognize activities more than just the minimum regulatory standards, and support the development of better environmental practices. In some of the developing countries of Latin America, these agreements are usually applied in correcting a significant level of noncompliance with the mandatory provisions. There are challenges regarding how to maintain the basic information of these agreements, objectives, monitoring, and reports. Given the inherent difficulties in assessing the efficacy, they are often questioned and may negatively affect the environment (green site).

Efforts by the government

The heavy responsibility of government in the areas of health, education, social services, security, and the environment, and also the limited capacity of the penal justice system together with the increasing demands of the citizens and existing and facing complex problems have provided the grounds for privatization, the industry in specific. Accordingly, today the traditional vertical model of governance, which exclusively had the management of educational programs, health, social services, security, the environment, and penal justice as its duties, has provided the space and opportunities for cooperation of government and public institutions and the private sector by retreating and adopting a horizontal and interactive approach.^[36] Besides the effective measures in privatization that has a significant role in environmental protection (national and international environment), the inputs of governments in achieving this objective should not be ignored. Governments and their authorized agents should train people with the laws and regulations and their implementation, so they would confront the issue of environmental pollution in a serious manner. Cooperating with other governments would provide the response at international scale and prevent each government from committing environmental crime.^[17] In Article 33, preventing air pollution prevention law in cooperation with

the Environmental Protection Agency, Iran is obliged to prepare appropriate programs for awareness enhancing, educating environmental laws and regulations, and to enforce protection issues; thus, under the influence of international rules, Iran has made the attempt to the educate public on environmental matters.

Performance review

The performance review of the representatives at the Ninth Parliament in the field of environment indicates that the drawn decisions have led to both positive and negative outcomes. Checking the performance of these representatives in different areas has different results; the environment is one of the areas that has been affected by the decisions from different directions.

Draft of natural resources

For intruders who have occupied areas of natural resources until 1986 and now possess ownership, proof of ownership will be issued, and for profit-seekers who have occupied the areas of natural resources illegally during the years 1986–2010, a 99-year lease document was issued.^[33]

Decriminalization

Increasing environmental crimes and the intensification of environmental violations eventually led to advancement of current crises and the emergence of new hurdles in this era. The subject of hunting and fishing manners to prevent air pollution and protection and exploitation of forests and meadows, the law of conservation of natural resources and forest reserves, and many laws are drawn on punishment by imprisonment and momentary fine, these laws, though insufficient, are not without their effects.

RESULTS

The terms of existing international policies, laws, and regulations in the community must be updated, because they are decades old whereas the environment has been through many changes.

Because the protection and conservation of the environment are closely related to economic and political issues, there exist the possibility of conflict between these two structures when discussion are to be made on environmental protection.

One of the necessities of the successful judicial system is its strategic view on and preventive tactics. The experience has proved that prevention is simpler and cheaper than cure, and in case of environment, the danger is irretrievable. Many countries have adopted measures to consider any harm inflicted on environment in any form or shape as an offense against nature, and therefore subject to assigned fines. With respect to the available laws, regulations, and measures of the last few decades, the fines are not appropriate and need to go through a major overview. Unless the executive judicial authorities and judges perceive the objectives of this concept, just penalty order

would not be accomplished in practice. The existing judicial pattern regarding fines on environmental crime is based on negligence and compassion because of the fact that the environmental protection concept is not materialized among the judicial authorities, and it does not occupy outstanding status in their views. Applying penal measures in solving the environmental dilemma is not motivating them or perhaps in their views such crimes are not as important as the other crimes committed. With respect to the fact that state intervention in protecting the environment becomes active merely when an environmental crime is already committed, it seems that interest alone does not suffice; therefore, appropriate criminal policies and their implementation regarding environmental crime would lead to better environmental protection, that is saving the whole renewable natural resources in an appropriate and legal manner.

- (1) In this area, criminal policy should be noted, and governance (government) could affect criminal policy. By the approval of legislation and regulations, including the preventive rules and punishing laws, they could be effective in this regard.
- (2) Because of the undeniable fact that human life and well-being has a direct connection with environment protection, hence the legislator should determine the best policies ranging from penal liability and preventive policies for the preservation of the environment.
- (3) Non-reliance on the state budget and providing appropriate opportunities to empower NGOs, giving them freedom of action for educational, social, and cultural activities, can make Environmental Organizations the most important administrative measures in solving the environmental problems. These NGOs can be registered in Environmental Organizations and Interior Ministry and the National Youth Organization.
- (4) Adding to the number of protected parks could be very effective in keeping them safe from environmental pollution to a large extent.
- (5) Promoting the use of the recyclable raw materials, the development of clean energy, and stopping polluting of the environment.
- (6) Educating and encouraging groups of people to become involved in environmental protection activities and provide financial support for proenvironment groups.

DISCUSSION

Considering that the environmental issue needs to become a cultural value subject to more focus by the people of social strata and NGOs can be very contributive in this realm.

In the field of environmental law as well as environmental crimes, there exist many articles and books, and with no doubt many new ones are being published. Although knowing that the crimes committed on environment are effective, for having a healthy environment free of corruption, we need to prevent and protect the environment before it is destroyed,

because its instruction would lead to human destruction, and hence an irretrievable phenomenon. In this article, an attempt is made to assess the prevention strategy and criminal policy regarding environmental protection and provide effective solutions.

CONCLUSION

One of the requirements of a successful judicial system is having a pre-emptive and strategic vision, because experience has shown that prevention is always easier and less costly than treatment, and sometimes in the field of environmental damage, it is irreversible. Many environmental problems of the country are because of lack of treatment and long process of assessment in the judiciary system. Despite comprehensive legislation on land use change and land degradation in the country, we are witnessing that at the banned heights, coastal areas, protected areas, and the forests in the north are being covered with construction by governmental organizations and private sectors, and this reflects the negative attitude of the offenders. It would be an exaggeration if we say that the criminal policy of Iran is in full approval of environmental protection, because in many cases because of absence of environmental protection experts, we face irrecoverable phenomenon. The judiciary, in implementation of its recent years' policies, has implemented diversion in all fields regarding environmental crime, thereby trying to prevent people from committing such crimes. As long as the protection of the environment has not become a part of the social fiber, the use of diversion(s) will not work and the current situation will result in increase of crimes against the environment.

Financial support and sponsorship

Nil.

Conflicts of interest

There are no conflicts of interest.

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