





## A COMPARATIVE ANALYSIS OF STATE CRIMINAL LIABILITY FOR ENVIRONMENTAL CRIMES: CHALLENGES AND APPROACHES IN THE CRIMINAL LAW OF IRAN AND FRANCE

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Article Info	ABSTRACT
<p><b>Article type:</b> Research Article</p> <p><b>Article history:</b> Received 7 October 2025  Revised 1 December 2025  Accepted 2 December 2025  Published online 17 December 2025</p>  <p><a href="https://ijicl.qom.ac.ir/article_4012.html">https://ijicl.qom.ac.ir/article_4012.html</a></p> <p><b>Keywords:</b> Comparative Law, Criminal Policy, Environmental Crimes, France, Iran, State Criminal Liability.</p>	<p>Environmental crimes have emerged among the foremost international challenges, with states assuming a decisive role in their emergence, perpetuation, and deterrence. While governments bear a statutory duty to protect the environment, developmental policies and regulatory decisions may, directly or indirectly, facilitate the proliferation of such crimes. This study conducts a comparative analysis of the criminal liability of state for environmental crimes within the legal systems of Iran and France. The central research question is: To what extent can states be held criminally liable for environmental crimes, and what principal distinctions characterize the approaches of these two legal systems? The operative hypothesis posits that in Iran, state liability remains predominantly confined to administrative and civil spheres due to insufficient criminalization, whereas France has developed a more coherent juridical framework acknowledging the potential criminal liability of public legal persons. Methodologically, the study adopts a descriptive-analytical approach, utilizing library and documentary resources, within a comparative criminal law framework informed by theories of corporate criminal liability. The findings indicate that reforms within French criminal law, particularly within specialized environmental statutes and the Penal Code, enable the prosecution of public institutions and, under certain circumstances, state entities for environmental violations. French jurisprudence has further elaborated the doctrine of corporate criminal liability to enhance environmental protection. Conversely, the Iranian system remains principally oriented toward civil and administrative remedies, hampered by deficient enforcement regimes and substantial legal ambiguities regarding the recognition of the state as a subject of criminal liability. This study concludes that Iran necessitates a revision of its legislative framework, incorporating insights from the French experiences, to reinforce its criminal policy for effective environmental protection.</p>
<p><b>Cite this article:</b> Jalali Akerdi, S.H., &amp; et. al, (2025). A Comparative Analysis of State Criminal Liability for Environmental Crimes: Challenges and Approaches in the Criminal Law of Iran and France, <i>Iranian Journal of International and Comparative Law</i>, 3(2), pp: 46-68.</p>	
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### Table of Contents

Introduction
1. Review of Literature
2. Research Findings
3. Judicial Procedure
4. Consequences and Implications: Subsequent to the ruling:
Conclusion and Recommendations

## Introduction

In recent decades, environmental crises have transcended limited and local challenges to emerge as among the most serious global threats. Extensive deforestation, air and water pollution, the destruction of plant and animal species, the rise of airborne particulates, and climate change constitute merely a partial catalogue of the dangers currently threatening human health, ecological security, and sustainable development. Within this context, governments - the primary institutions responsible for environmental policymaking and regulation - assume a dual role. On the one hand, they bear an obligation to establish the requisite legal, supervisory, and criminal mechanisms to address environmental threats. On the other hand, their own development-oriented and economic policies can intensify environmental degradation.

Despite the expansion of domestic and international regulations promoting environmental protection, the legal status of states as juridical persons with potential criminal liability for environmental offenses remains ambiguous and inconsistent. International instruments such as the Stockholm Declaration, the Rio Conference outcomes, and the Paris Agreement, emphasize state responsibility in protecting the environment. However, these commitments are predominantly ethical and political in nature and typically lack effective mechanisms for criminal enforcement.

At the domestic level, many jurisdictions continue to perceive the state primarily as a “regulator” rather than a potential “perpetrator,” thereby subjecting it less frequently to criminal scrutiny. Nevertheless, certain legal systems - most notably that of France - have introduced significant reforms in criminal and environmental law in recent years, enabling the imposition of criminal liability on public bodies and state-affiliated institutions. Within these systems, the state and its subsidiaries may be subject to prosecution and sanction where they commit or facilitate environmental offenses. This development represents a crucial shift from a regime of merely administrative or civil liability toward one of genuine criminal responsibility.

In contrast, Iran’s legal system relies predominantly on civil and administrative frameworks, with the criminal liability of state entities remaining extremely limited. Deficiencies in criminalization, the absence of effective sanctioning regimes, and normative



gaps have engendered a *de facto* immunity for the state, disrupting the necessary balance between state authority and environmental protection.

The importance of this issue can be articulated from several perspectives. First, from the standpoint of environmental criminal law, it is evident that comprehensive enforcement of environmental regulations cannot be achieved without recognizing the criminal responsibility of state institutions. How can citizens or private actors be expected to comply with the law if the government itself is not held accountable? Second, from a comparative criminal policy perspective, examining the French experience - which has developed a relatively coherent framework for the criminal liability of public legal persons - can offer valuable guidance for the reform of Iranian legislation. Third, from a social and practical standpoint, the consequences of environmental offenses are often irreversible and pose serious risks to public health and natural resources. Therefore, clarifying the scope of state criminal liability is not merely a theoretical debate but a necessity for safeguarding the rights of present and future generations. In light of the foregoing, the aim of this research is to conduct a comparative analysis of the criminal liability of states for environmental offenses and to identify the respective strengths and weaknesses of the legal systems of Iran and France. The study seeks to illustrate how legal reforms in France have facilitated the effective enforcement of criminal sanctions against public institutions, whereas in Iran, limited criminalization, insufficient implementation of laws, and structural gaps have hindered the establishment of a clear and functional framework for such liability.

The central research question is: “To what extent can states bear criminal responsibility for environmental offenses, and what principal distinctions exist between the legal systems of Iran and France in this regard?” Based on a preliminary analysis, it appears that in Iranian law, the criminal liability of the state is significantly restricted and largely confined to civil and administrative responsibility, whereas French law provides a more coherent and enforceable framework for recognizing the criminal responsibility of public legal entities.

This research employs a descriptive-analytical methodology, utilizing library resources, legal documents, judicial precedents, and a comparative approach to furnish a reasoned and substantiated response to the main research question.

## 1. Reveiw of Literature

This study adopts two primary theoretical pillars to examine the criminal liability of states in the context of environmental crimes within the legal systems of Iran and France. In this vein, theories of corporate criminal liability are introduced to offer the conceptual foundation for extending criminal responsibility to states and public institutions. The introduction of these perspectives facilitates both a rigorous conceptual analysis and a structured comparative assessment across distinct legal systems.

### 1.1. Comparative Criminal Policy

a) Historical development: Traditional criminal law limited liability exclusively to natural persons, thereby granting states and public institutions a *de facto* immunity from criminal



prosecution. However, with the expansion of state and corporate activities throughout the twentieth century, new theoretical frameworks emerged that recognized legal entities as independent actors capable of bearing criminal responsibility (Elezi, 2024: 79). This shift reflected the growing inadequacy of relying solely on individual accountability in the context of industrial development and state-sponsored environmental harm.

b) Agency/representation theory: This theory maintains that the actions of managers, officials, or agents may be attributed directly to the organization they represent. Accordingly, when a state official or public agent commits an environmental offense within the scope of their official duties, the act can be imputed to the state or public institution itself (Westbrook, 2023: 141–142). This approach functions as a safeguard against governmental evasion of liability by establishing a clear link between individual misconduct and the organization's overarching legal responsibility.

c) Collective identity theory: According to this theory, legal entities possess a coherent “collective will,” enabling them to commit offenses independently of the individuals who compose them. As such, states and public institutions may themselves be regarded as direct perpetrators. This theoretical perspective has formed the foundation of several significant reforms in European legal systems, including France, and it supports the imposition of sanctions such as substantial fines or operational restrictions on public bodies (Sarch, 2024: 927–928).

d) Risk–benefit theory: Under this theory, liability is imposed when a legal entity either derives benefit from, or creates risk through, an unlawful act. In the realm of environmental law, this approach is especially relevant where state-led development projects generate pollution or cause ecological degradation. Here, the decisive criterion for establishing liability is either the hazardous consequence produced or the direct benefit obtained from the activity, even in the absence of demonstrable criminal intent (Van Rijssel et al., 2025: 69)

## 1.2. Theories of Corporate Criminal Liability

a) Historical development: In traditional criminal law, the principle of personal culpability prevented the attribution of liability to legal persons. States and public institutions were therefore regarded as immune from criminal prosecution. However, from the twentieth century onward, with the expansion of collective activities and the increasing complexity of social and economic relations, new theories emerged that allowed for the prosecution of legal persons. The rise of large corporations, international organizations, and the expanding role of the state in the economy and industry demonstrated that focusing solely on individual responsibility was no longer sufficient. Consequently, legislators and courts gradually began to recognize legal entities as independent social actors capable of bearing criminal responsibility (Elezi, 2024: 79).

b) The agency or representation theory: This theory posits that the actions of managers and representatives of a legal entity can be attributed to the entity itself. Thus, if a governmental official or agent, acting within the scope of their duties, commits an environmental crime, such conduct may be ascribed to the state or a public body. This perspective is grounded in the principle of vicarious liability and has been widely employed in environmental cases as

the basis for holding public institutions accountable. The significance of this theory lies in its capacity to connect the conduct of individual officials to the organizational will of the state, thereby preventing governmental evasion of responsibility (Westbrook, 2023: 141–142).

c) The collective identity theory: According to this theory, legal entities possess a “collective will” and can independently commit crimes. Within this framework, the state or its affiliated organizations may themselves be regarded as perpetrators. This theory has formed the basis of numerous legal reforms in European jurisdictions, including France. It emphasizes that states and public institutions are not merely aggregations of individuals, but independent legal persons capable of decision-making and lawbreaking. This perspective supports the imposition of sanctions such as heavy fines or legal restrictions on public institutions, representing a significant step toward ensuring governmental accountability for environmental crimes (Sarch, 2024: 927–928).

d) The risk–benefit theory: Some scholars argue that a legal person should bear responsibility when it has either benefited from, or created risk through, a criminal act. In the field of environmental law, this theory is particularly relevant in situations where state development projects lead to widespread environmental degradation or pollution. Here, the primary criterion for liability is the “hazardous consequence” or the “direct benefit” derived from the unlawful activity. For example, if a state-sponsored industrial project is implemented without adherence to environmental safeguards and results in massive pollution, the state should be held liable—even in the absence of proven criminal intent. This theory is closely aligned with the principles of precaution and prevention in environmental law (Van Rijssel et al., 2025: 69)

### 1.3. Comparative Criminal Policy & Theories of Corporate Criminal Liability

**a) Historical Development:** Traditional criminal law was confined to natural persons based on the principle of personal culpability, which afforded states and public institutions a *de facto* immunity from criminal prosecution. However, following the expansion of corporate and state activities throughout the twentieth century, particularly with the rise of large corporations and the increasing role of the state in industry, this individual-focused approach proved inadequate. New theoretical frameworks consequently emerged, recognizing legal entities as independent social actors capable of bearing criminal responsibility. This doctrinal shift responded to the growing complexity of social and economic relations and the need to address harms, such as state-sponsored environmental damage, that could not be sufficiently remedied through individual accountability alone.

**b) Agency/Representation Theory:** This theory maintains that the actions of managers, officials, or agents can be directly attributed to the organization they represent. Consequently, when a state official or public agent commits an environmental offense within the scope of their official duties, the act may be imputed to the state or public institution itself. Grounded in the principle of vicarious liability, this approach functions as a juridical safeguard against state evasion of responsibility by establishing a clear nexus between individual misconduct and the organization’s overarching legal will. It has been widely employed as a basis for holding public institutions accountable in environmental cases.





**c) Collective Identity Theory:** According to this theory, legal entities possess a coherent “collective will,” enabling them to commit offenses independently of their constituent individuals. Within this framework, states and public institutions are not mere aggregations of individuals but are regarded as direct perpetrators capable of independent decision-making and lawbreaking. This theoretical perspective has informed significant reforms in European legal systems, including that of France. It supports the imposition of sanctions - such as substantial fines or operational restrictions - on public bodies, representing a major step toward ensuring state accountability for environmental crimes.

**d) Risk-Benefit Theory:** Under this theory, liability is imposed when a legal entity either derives a direct benefit from, or creates a foreseeable risk through, an unlawful act. In environmental law, this approach holds particular relevance where state-led development projects generate pollution or cause ecological degradation. The decisive criterion for establishing liability is either the hazardous consequence produced or the benefit obtained, even in the absence of demonstrable criminal intent. For instance, if a state-sponsored industrial project, implemented without proper safeguards, causes massive pollution, the state can be held liable. This theory aligns closely with the principles of precaution and prevention in environmental law.

## 1.4. Conceptual Framework of the Study: Relationship of Theories with the Criminal Liability of States

While these theories were originally developed in the context of private legal entities, their application to states and public institutions remains contested. Proponents argue that when the state contributes to environmental harm, it should incur liability in the same manner as any other legal person. Critics, however, emphasize concerns related to sovereignty, immunity doctrines, and the unique constitutional status of the state. Notwithstanding this debate, the French legal experience demonstrates that distinguishing between sovereign acts (*actes de gouvernement*) and administrative or commercial acts enables the recognition of state criminal liability in specific domains, including environmental protection.

### 1.4.1. Analytical Contribution of the Framework

The synthesis yields a multidimensional analytical framework:

- **Theoretical Perspective:** It provides a justification for recognizing criminal liability of states for environmental offenses.
- **Practical Perspective:** It employs the French model to propose feasible and effective reforms for the Iranian legal system.
- **Comparative Policy Perspective:** It offers a structured methodology for adapting successful foreign legal mechanisms to the Iranian context, thereby enhancing enforcement and strengthening institutional accountability.

Together, these dimensions illustrate that holding states criminally liable for environmental crimes is not only conceptually defensible but also imperative for promoting environmental justice and improving the effectiveness of criminal sanctions.

### 1.4.2. Implications for Iranian Legal Reform

Applying these combined theories highlights several critical areas for reform within Iran's legal system:

- Strengthening the legal recognition of state liability for environmental harm;
- Integrating preventive and corrective criminal policies into environmental governance structures;
- Developing specialized judicial mechanisms and tribunals to ensure effective and consistent enforcement;
- Incorporating insights from international experiences - particularly those of France - to implement proportionate sanctions and remedial measures.

Such reforms would help ensure that both state and private actors are held accountable, thereby narrowing the extant gap between normative principles and practical implementation in environmental criminal law.

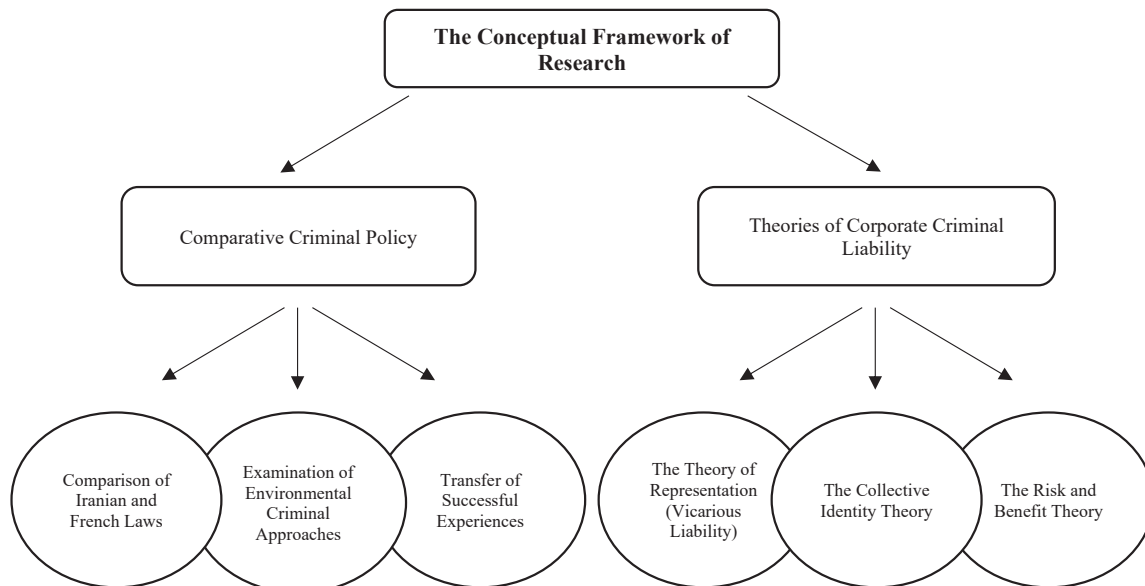


Figure 1 - Conceptual Framework of the Research (Designed by the Authors)

## 2. Research Findings

### 2.1. The Legal Status of Iran Regarding the Criminal Liability of the State for Environmental Crimes

#### 2.1.1. Legal and Constitutional Foundations

In the Iranian legal system, the foundations of state responsibility for environmental protection are primarily articulated in the Constitution, ordinary legislation, and specific regulatory frameworks. Article 50 of the Constitution stipulates that: “In the Islamic Republic, the protection of the environment upon which present and future generations must rely for a progressive social life is regarded as a public duty. Therefore, economic and other activities that result in pollution or irreversible environmental destruction are prohibited.”<sup>1</sup> Although

<sup>1</sup> Farhad Mohseni, *The Supreme Court and environmental law in Iran* (University of Tehran Press 2022), 24.



this Article imposes a general and binding obligation on both the state and citizens, it lacks explicit criminal enforcement mechanisms. Ordinary legislation, such as the Environmental Protection and Enhancement Act (1974) and the Law on the Prevention of Air Pollution (1995), identifies certain environmental offenses; however, these statutes predominantly assume that perpetrators are natural persons or private corporations. The state, as a public legal entity, is rarely subjected to criminal liability within this legislative scheme.<sup>1</sup>

### 2.1.2. The Position of the State in Iran's Criminal System

In Iranian criminal law, the principle of individual criminal responsibility constitutes the primary obstacle to recognizing criminal liability of the state. This principle dictates that only a natural person who commits a criminal act with requisite intent (*mens rea*) may be punished, and liability cannot be imputed to another entity, including the state. Given that the state, as a juridical person, lacks direct criminal intent, the attribution of *mens rea* becomes problematic. Traditionally, this conceptual gap has confined state responsibility to civil compensation or administrative sanction, rather than criminal punishment.<sup>2</sup>

Islamic jurisprudence further reinforces this limitation. Criminal doctrines such as *qisas* (talio), *hudud* (fixed punishments), and *diyya* (blood money) are inherently directed at natural persons and cannot be applied practically to abstract entities such as the state. As a result, state institutions enjoy a form of relative immunity from direct criminal accountability. In practice, when state bodies cause environmental harm - for instance, pollution from a state-owned factory - penalties tend to be limited to civil compensation, administrative measures, or sanctions levied against individual employees. This approach significantly diminishes the deterrent effect of environmental legislation.<sup>3</sup>

By contrast, several other jurisdictions, including France and the United States, recognize that juridical persons including corporations and, in some cases, public institutions can be held criminally liable, particularly for environmental and economic crimes. This approach ensures that institutional actors cannot evade accountability solely based on their legal status or sovereign character. While Iran's reliance on civil and administrative liability stems from legal tradition and concerns regarding state authority, it diminishes the effectiveness of the criminal justice system in key areas such as environmental protection. Increasingly, scholars argue for acknowledging at least limited criminal liability for state juridical persons, allowing sanctions for harmful acts while preserving exemptions for acts of pure sovereignty. Such recognition would align Iran with international practice, enhance deterrence, and strengthen institutional accountability.

### 2.1.3. Legal and Institutional Barriers

Several significant doctrinal and institutional obstacles preclude the recognition of state criminal liability for environmental offenses in Iran. First, ambiguity exists as to whether the state, as a juridical person, may be held accountable, since the Islamic Penal Code of 2013, while recognizing the liability of legal persons, does not explicitly include public institutions.

<sup>1</sup> Mohammad Taghizadeh Ansari, *Environmental law in Iran* (SAMT 2020), 6668-.

<sup>2</sup> Ali Karkhaneh, *Analysis of international environmental instruments* (Majd 2022), 53.

<sup>3</sup> Seyed Hassan Tayebi, *Environmental law* (Majd 2023), 171172-.



Second, most environmental statutes emphasize administrative measures and financial penalties, offering few genuinely punitive criminal sanctions. Third, judicial practice remains underdeveloped, with courts rarely prosecuting state bodies and instead directing legal action toward lower-level officials. Fourth, a pattern of selective enforcement allows agencies vested with environmental responsibilities - such as the Ministry of Energy or the Department of Environment - to operate with considerable impunity despite their potential contribution to environmental degradation.<sup>1</sup>

Collectively, these barriers render the criminal liability of the state a largely theoretical construct, seldom enforced in practice. This results in inadequate deterrence, persistent state violations, and recurrent infringements upon both citizens' rights and environmental protection. To remedy these deficiencies, clear legislative recognition, enforceable criminal sanctions, and robust judicial oversight are imperative.

#### 2.1.4. Case Examples and Judicial Practice

In Iran, numerous legal proceedings have addressed issues such as deforestation, water contamination, and air pollution. However, most prosecutions target individuals or private companies, while state-owned industrial enterprises - such as refineries and power plants - typically face civil remedies rather than criminal sanctions. Courts frequently mandate pollution abatement, environmental restoration, or financial compensation, yet criminal liability rarely extends to the state institutions themselves. In some cases, managers or employees have been subject to prosecution, but the overarching organizations, including ministries and state-owned enterprises, remain largely shielded from direct accountability.<sup>2</sup>

This jurisprudential pattern highlights three key tendencies within the Iranian judiciary's approach to environmental offenses:

- A predominant focus on individual or corporate liability, consistent with the entrenched principle of personal criminal responsibility;
- The primacy of civil liability, emphasizing compensatory and remedial over punitive measures;
- A *de facto* immunity for state-owned institutions, which seldom face direct criminal sanctions even when they are the principal source of pollution.

These tendencies carry significant implications. The practical immunity afforded to state entities attenuates the deterrent function of the law, while civil or administrative sanctions alone provide only partial prevention. This dynamic also undermines environmental justice and erodes public trust, as citizens and environmental advocates increasingly perceive a lack of accountability for the state's role in environmental degradation.

Overall, the Iranian legal regime governing environmental protection is characterized by normative ambiguity and practical weakness regarding state responsibility. While statutory provisions endorse environmental preservation, they fail to impose meaningful criminal sanctions on public institutions. Consequently, many environmental harms directly

1 Ali Mashhadi, *Compilation of basic laws and regulations of environmental law* (Khorsandi 2025), 201204-.

2 Mohammad Aghaseyed Jafar-Kashfi, *Environmental law and sustainable development of the oil and gas industry* (Majd 2022), 142144-.



attributable to state activities fall beyond the purview of criminal prosecution, resulting in a significant enforcement gap.

### 2.1.5. Case Study: Iran's Approach to Environmental Crimes - *The Iralco Case (2025): Criminal Conviction of an Industrial Company for Environmental Pollution*

This case exemplifies judicial action in Iran addressing environmental crimes committed by a large industrial entity. By adjudicating against the Iran Aluminum Company (Iralco), the court demonstrated that criminal liability for legal persons can be applied in practice, although the central state itself remains largely exempt.

- **Case Summary:** Following reports from the Environmental Protection Organization of Arak County regarding the continuous emission of hazardous pollutants from the Iran Aluminum Company (Iralco), which posed a persistent threat to public health, the Public and Revolutionary Prosecutor's Office of Arak initiated a criminal investigation. Technical and expert assessments were conducted under judicial supervision, a formal indictment was issued, and the court subsequently heard the case. On the stipulated date, the court rendered a final ruling against the company.
- **Summary of the Verdict:** The court held Iralco, as a legal entity, criminally liable under statutory provisions relating to "threats to public health through air pollution." The imposed sanctions included a monetary fine equivalent to five times the assessed damages, payable to a designated government fund; the implementation of public service measures (including, according to reports, an obligation to plant 100,000 saplings); and ongoing judicial supervision of mandated corrective actions. The full text of the ruling has not been publicly disseminated, but its key provisions were reflected in official statements released by the Judiciary.
- **Legal Analysis:**
  - **Criminal Liability for Legal Entities:** The ruling illustrates that Iranian courts can, in practice, apply principles of criminal liability to corporate entities within the industrial sector, confirming the operational recognition of "punishable legal persons."
  - **Nature of Sanctions:** The amalgamation of substantial fines, environmental remediation obligations, and judicial oversight reflects an emerging trend toward integrating pecuniary and corrective sanctions. However, purely carceral penalties (such as custodial sentences for senior managers) were not emphasized in the official pronouncements.
  - **Scope and Limitations:** The prosecution was directed principally at the corporate entity and its executive managers rather than the central state or its ministries. Consequently, the "*de facto* immunity" of high-level state institutions remains substantially intact. Furthermore, the limited public access to the complete judicial ruling precludes a more granular and precise legal analysis.<sup>1</sup>

<sup>1</sup> Environmental Protection Organization of Iran, 'Criminal Conviction of Iralco for Environmental Pollution' (Press Release, EPO Press Release 2025) 27.

- **Conclusion:** The Iralco ruling represents a notable jurisprudential development in the enforcement of environmental criminal law against industrial actors in Iran and may serve as a practical model for strengthening punitive and corrective measures. Nonetheless, the lack of transparency surrounding the publication of judicial decisions and the continued *de facto* immunity of central stateal institutions underscore the pressing need for substantive legal and procedural reform.

## 2.2. France's Legal Framework on the Criminal Liability of Public Juridical Persons for Environmental Crimes

### 2.2.1. Historical Foundations and Legal Evolution

France was among the first European jurisdictions to fundamentally reconfigure its criminal policy by formally recognizing the criminal liability of legal persons in the 1990s. Prior to this doctrinal shift, classical French criminal law - like many civil law systems - adhered strictly to the principle of personal criminal responsibility, under which only natural persons could be prosecuted. This model proved inadequate, particularly in the environmental sphere, where a substantial proportion of polluting activities was attributable not to individuals but to corporations, public institutions, and local authorities. Holding only employees or managers accountable could not fully capture the institutional nature of environmental harm.<sup>1</sup>

A major turning point occurred with the adoption of the new French Penal Code in 1994. Article 121-2 explicitly stipulates that "legal persons, with the exception of the State, may incur criminal liability for offenses committed on their behalf."<sup>2</sup> This provision marked the formal recognition of criminal liability for both private and public legal persons, while maintaining the immunity of the central state. Subsequent reforms, particularly in 2004 and 2010, expanded the scope of environmental offenses and augmented the available sanctions. These developments not only consolidated the legal foundation but also established France as a leader in criminal environmental protection among European states.<sup>3</sup>

### 2.2.2. The Position of the State and Public Institutions

Although the French central state remains exempt from criminal liability, this immunity is narrowly construed and does not extend to all public bodies. In practice, municipalities (*communes*), regional and departmental councils (*conseils régionaux et départementaux*), and a broad spectrum of public institutions (*établissements publics*) may be held criminally liable. This distinction is highly significant because much of France's environmental governance - including waste management, water treatment, urban planning, noise regulation, and the preservation of natural resources - is decentralized and administered by these public entities.

By subjecting these bodies to potential criminal liability, the French legislature has sought to promote administrative accountability while maintaining the constitutional authority of the

1 Eleni Gkegka, 'Le contentieux environnemental devant le juge administratif de l'excès de pouvoir: À propos des affaires Les Amis de la Terre and Commune de Grande-Synthe' (2024) 14 *Revue du Droit Public* 80, 88.

2 (*Nouveau Code Pénal*) "Les personnes morales, à l'exception de l'État, sont responsables pénalement des infractions commises pour leur compte"

3 Sofia Canali, 'La responsabilité climatique devant le juge administratif, une instrumentalisation de la réparation à des fins de cessation de l'illicite?' (2024) 49 *Revue Juridique de l'Environnement* 604, 613.



state. Although the continuing immunity of the central state remains a subject of scholarly and political critique, the inclusion of local and administrative entities represents a core strength of the French model.<sup>1</sup>

### 2.2.3. Environmental Legislation and Criminal Reforms

Complementing the Penal Code, France has developed a comprehensive Environmental Code (*Code de l'environnement*), progressively codified since 2000. This Code constitutes the principal legislative framework governing environmental offenses and their attendant sanctions.

Key areas covered include:

- **Water Pollution:** Article L.216-6 criminalizes unlawful discharges into surface or groundwater by any natural or legal person.
- **Air Pollution:** Strict emission limitations apply to industrial installations and transportation sources.
- **Waste Management:** Detailed regulations govern hazardous and non-hazardous waste; violations often implicate public authorities.
- **Biodiversity Protection:** Offenses include illegal hunting, habitat destruction, and harm to protected species.
- **Soil and Forest Protection:** Unregulated forest exploitation and soil degradation carry significant penalties.<sup>2</sup>

Most of these provisions apply equally to public legal persons, meaning France recognizes one of the broadest scopes of environmental criminal liability among civil law jurisdictions.

### 2.2.4. Judicial Practice

French judicial authorities have actively applied principles of criminal liability to public entities in environmental litigation. Illustrative examples include:

1. **The Erika Case (1999-2012):** Although not involving a state entity, this litigation was pivotal in establishing the concept of “environmental damage” (*préjudice écologique*) and imposing substantial fines on corporate polluters.
2. **Municipal Waste Disposal Case (2007):** A municipality was convicted for unauthorized disposal of urban waste, with the court affirming the municipality’s liability as a legal person, irrespective of individual employee negligence.
3. **Water Pollution Case (2013):** A local public institution incurred sanctions for unlawful wastewater discharge, with mandatory ecological restoration imposed.
4. **Hazardous Waste Management Case (2018):** A state-affiliated company was convicted for mismanaging toxic waste, reinforcing that even government-linked entities may be held criminally accountable.<sup>3</sup>

1 Luigi Mingozzi, ‘A réparation des dommages climatiques dans la demande d’avis consultatif soumise au Tribunal international du droit de la mer: une occasion manquée?’ (2024) 42 *Revue Juridique de l’Environnement* 561, 577.

2 Anna Christodoulou, *L’Union européenne au secours de l’environnement au moyen du droit pénal* (est l’archive institutionnelle de l’Université Toulouse 2024), 16-17.

3 Amadou Diallo, ‘La responsabilité de l’État dans les affections respiratoires liées à la pollution de l’air: analyse de deux jugements du 16 juin 2023 du tribunal administratif de Paris’ (2023) 26 *Revue de Droit de la Santé* 455, 461-465.

These cases demonstrate that criminal liability of public legal persons is not merely a theoretical construct but is actively implemented within the French judicial system.

### 2.2.5. Types of Sanctions

French law provides for a diverse array of sanctions applicable to public legal persons, many of which carry high deterrent value:

- Heavy fines, sometimes amounting to several million euros;
- Suspension or revocation of operating permits, preventing a public entity from pursuing projects with polluting potential;
- Temporary or permanent closure of offending facilities, such as factories or waste disposal sites;
- Publication of conviction rulings in the media, ensuring transparency and reinforcing deterrence;
- Court-ordered remedial measures, such as environmental cleanup and ecosystem restoration.<sup>1</sup>

These sanctions regime highlight that the French approach to environmental criminal justice is not purely punitive but also restorative and corrective.

### 2.2.6. Strengths, Challenges, and Opportunities in the French System

The French model exhibits several notable strengths:

- Recognition of the criminal liability for public legal persons, moving beyond the classical principle of purely personal responsibility;
- A comprehensive legal framework (the Environmental Code) covering nearly all aspects of environmental protection;
- An active judiciary that enforces laws and issues deterrent rulings;
- A diverse set of sanctions that integrates punitive, restorative, and corrective elements;
- Harmonization with European Union environmental policies and directives, enhancing transnational enforcement coherence.

Nevertheless, certain limitations persist:

- Exemption of the central state, which continues to draw criticism, given its involvement in major national projects with significant environmental impacts;
- Complexity of attributing fault to public entities, especially where decision-makings are collective or hierarchical;
- Heavy financial burden on municipalities and local institutions, which may encounter difficulties in complying with onerous judicial orders;
- Tension between economic development policies and environmental protection

<sup>1</sup> Marco Zani, 'Pour une justice pénale internationale en matière environnementale: à propos de la répression des atteintes à l'environnement par une juridiction internationale spécialisée' (2024) 18 *Annuaire de la Commission du droit international* 123, 125127-.





mandates, with state and local bodies occasionally disregarding environmental rules under economic pressure.

Overall, France represents an advanced and relatively successful international model for public-sector criminal liability in environmental matters. By recognizing the responsibility of public legal persons, codifying a comprehensive Environmental Code, and ensuring active judicial enforcement, France has established a high level of accountability. Yet, the continued immunity of the central government remains a significant weakness, potentially undermining the balance between sovereign power and environmental protection.

In general, the French experience demonstrates that criminal liability for public institutions is not only feasible but also a powerful tool for raising environmental standards. This model offers valuable lessons for Iran, where the legal system has so far relied primarily on civil and administrative responsibility of the state.

### **2.2.7. Case Study: France's Approach to Environmental Crimes - *The Charente River Pollution and the Saint-Marie Municipality***

**5. 1. Background and Factual Synopsis:** In 2019, residents of the western district of Saint-Marie, located in Nouvelle-Aquitaine region, reported discoloration and foul odors emanating from the Charente River. Preliminary investigations by the Regional Environmental Authority traced the pollution to the municipal wastewater treatment facilities operating under the direct supervision of the Saint-Marie municipality. Expert analyses concluded that the treatment system was outdated and, notably, the municipality had received formal administrative warnings in 2017 regarding the urgent necessity for renovation, yet had failed to implement effective corrective measures.

**6. 2. Applicable Legal Framework:** The identified violations fell within the ambit of the following provisions of the French Environmental Code:

- Article L.216-6, which prohibits the unauthorized discharge of wastewater into surface waters;
- Articles L.173-1 and L.173-2, pertaining to the criminal liability of legal persons (including public bodies) for environmental offenses;
- Reference was also made to Article 121-2 of the French Penal Code, concerning the criminal liability of legal entities, with the explicit exception of the central state.

Based on this legal architecture, the Regional Public Prosecutor filed criminal charges against the Saint-Marie municipality in January 2020.

## **3. Judicial Procedure**

**a) Investigation Phase (January-June 2020):** Environmental inspectors conducted systematic sampling and analysis over a four-month period. It was conclusively established that the treatment plant had discharged wastewater exceeding permissible legal limits on twenty-three separate occasions during 2019. In subsequent testimony, the municipal mayor



acknowledged that necessary repairs had been deferred due to the prioritization of other municipal construction projects.

**b) Final Indictment:** In June 2020, the investigating judge confirmed the following charges against the municipality:

- Illegal discharge of wastewater into surface waters;
- Violation of operational standards for a public environmental facility;
- Negligence in the maintenance and renovation of public infrastructure, notwithstanding prior formal warnings.

**c) Court Hearing (November 2020):** The criminal court convened on 15 November 2020. The municipality's defense argued that:

- The failures resulted from "budgetary constraints," absent any intentional wrongdoing;
- An economic crisis in the previous year had precluded the execution of the renovation project;
- Preliminary corrective measures had been initiated in the summer of 2020.

The prosecutor and environmental experts countered that:

- Under Article 121-2 of the Penal Code, the municipality, as a public legal entity, is criminally liable even where misconduct stems from managerial or budgetary decisions;
- The formal reports from 2017 and 2018 had imposed a clear duty on the municipality to undertake timely remedial action.

**4. Court Ruling (10 December 2020):** Upon review of the evidence and arguments, the Criminal Court of Bordeaux convicted the Saint-Marie municipality.

**a) Penalties Imposed:**

- A financial penalty of €450,000, calibrated according to the scale of the damage and the repetitive nature of the violations;
- Mandatory corrective measures, including:
  - Complete renovation of the treatment facilities within a nine-month period;
  - Installation of an automated monitoring system for wastewater quality;
  - Public disclosure of the conviction, requiring publication in local newspapers and posting on the municipality's official notice boards;
  - A twenty-four month period of judicial supervision, during which an independent technical supervisor was appointed to submit biannual compliance reports.

**b) Judicial Reasoning:** The court held that:

- The municipality had demonstrated "serious negligence" (*faute caractérisée*) despite multiple formal warnings;



- Under Article L.216-6, water pollution constitutes an offense of strict liability, rendering proof of criminal intent unnecessary;
- The criminal liability of a public entity is fully applicable pursuant to Article 121-2;
- The environmental damage constituted harm to a protected public good, specifically the environment.

## 4. Consequences and Implications: Subsequent to the ruling:

- The municipality inaugurated a new wastewater treatment plant in 2021;
- Official monitoring reports in 2022 indicated a marked improvement in the water quality of the Charente River;
- This case has been cited in academic discourse as a salient example of the rigorous enforcement of criminal liability against public bodies.<sup>1</sup>

This adjudication directly illustrates the operative principles of French environmental criminal law. It demonstrates the prosecutorial capacity against local public bodies, underscores the active role of the judiciary in enforcing composite sanctions, highlights the extensive reach of the Environmental Code, and simultaneously illuminates the persistent doctrinal gap between the liability of decentralized public entities and the continued criminal immunity of the central state.

### 4.1. Comparative Analysis of State Criminal Liability for Environmental Crimes: Iran and France

#### 4.1.1. Theoretical Foundations and Legal Philosophy

In Iranian criminal law, the dominant theoretical foundation remains anchored in the principle of personal criminal responsibility and a general rejection of the state's capacity for criminal liability. This approach is deeply rooted in Islamic jurisprudence and constitutional principles. Article 167 of the Constitution, together with multiple provisions of the Islamic Penal Code, emphasizes natural-person responsibility. Although Article 143 of the 2013 Islamic Penal Code tentatively introduced the concept of criminal liability for legal persons, it expressly excludes most state entities, thereby perpetuating the state's juridical immunity.

France, by contrast, has embraced a distinct criminal-policy philosophy since the 1990s, formally recognizing the criminal liability of legal persons and applying it extensively to environmental offenses. This paradigm shift stems from the recognition that institutional actors - both public and private - are often the primary agents behind environmental degradation, and limiting liability to managers or employees fails to reflect socio-legal reality. Thus, while in Iran the criminal liability of the state remains theoretically contested and substantially negated, in France it is firmly embedded within modern criminal policy.

#### 4.1.2. Legal Framework

Iran's environmental criminal norms are scattered across several instruments, such as the Islamic Penal Code, the Environmental Protection and Enhancement Act, the Clean Air Act,

<sup>1</sup> Éric Naim-Gesbert, *Droit général de l'environnement* (4th edn, LexisNexis 2024).

and various administrative regulations. These provisions overwhelmingly target natural persons. Even Article 143 of the Penal Code - which acknowledges corporate liability - creates significant exceptions for state entities, thereby maintaining a structural barrier to holding the state criminally accountable.

In France, environmental criminal law is codified within a comprehensive and unified Environmental Code, which systematically regulates nearly all environmental sectors. Crucially, this Code subjects legal persons, including local public institutions, to criminal liability. Thus, the French legal framework is coherent, structured, and transparent, whereas the Iranian framework appears fragmented, incomplete, and normatively ambiguous.

#### **4.1.3. Scope and Extent of Liability**

Iran maintains a highly restricted scope of state criminal liability. State entities generally benefit from *de facto* immunity and are subjected primarily to civil or administrative responsibility. For example, environmental damage caused by state-owned industrial or energy projects typically results in compensation orders rather than criminal prosecution of the state institution.

In France, the scope of liability is significantly broader. Municipalities, regional councils, and various public institutions may be prosecuted for environmental offenses and subjected to sanctions including substantial fines, operational suspension, or mandatory ecological restoration. Although the French central state remains exempt from prosecution, the accountability of local public bodies represents a substantial expansion of public-sector criminal liability.

#### **4.1.4. Judicial Practice and Enforcement**

Judicial practice constitutes a major point of divergence between the two jurisdictions. In Iran, there is virtually no judicial precedent establishing criminal liability for state institutions. Courts predominantly prosecute natural persons or issue civil compensation orders, leaving institutional actors largely exempt.

France, conversely, has developed a robust and active jurisprudence. Its courts have consistently held public institutions liable in cases involving illegal waste disposal, water pollution, and hazardous-waste mismanagement. These judicial decisions demonstrate that France not only formally recognizes but also actively enforces the criminal liability of public legal persons. This dimension of enforcement is a major strength of the French model and a notable weakness within Iran's environmental criminal justice framework.

#### **4.1.5. Sanctions and Penalties**

In Iran, criminal sanctions applicable to state entities are virtually nonexistent. Environmental enforcement is mainly limited to modest monetary fines, temporary closure of private polluting facilities, or the imposition of civil liability. Many of Iran's most significant environmental problems arise from state-led industrial, energy, or infrastructure projects, yet the legal system provides no meaningful criminal mechanisms to hold the state accountable.

France applies a broad spectrum of sanctions, including substantial fines, suspension or



revocation of environmental permits, closure of polluting facilities, mandatory remediation, and the public dissemination of judicial rulings. These sanctions create potent incentives for compliance and significantly enhance the accountability of public institutions.

#### **4.1.6. The Role of Comparative Criminal Policy**

French criminal policy reflects the influence of European Union directives and international environmental commitments, encouraging the recognition of public legal persons' criminal liability as part of broader environmental governance standards.

In Iran, criminal policy is shaped predominantly by Islamic jurisprudence, constitutional principles, and sovereign considerations. Consequently, reliance on civil and administrative responsibility is more pronounced, and the role of substantive criminal law in environmental protection remains markedly limited.

#### **4.1.7. Crime Prevention Policies in Iran and France**

Iran's environmental crime-prevention policies are largely administrative in nature, focusing on regulatory control, licensing regimes, and environmental inspections. Due to the absence of criminal liability for state institutions, criminal deterrence remains underdeveloped, and state compliance often relies on discretionary administrative enforcement rather than deterrent criminal sanctions.

France, conversely, combines legal, administrative, and criminal prevention strategies. Preventive measures include stringent regulatory frameworks, public awareness initiatives, proactive judicial oversight, and the application of sanctions against both private and public entities. This mixture of primary prevention (through legal rules and oversight) and secondary prevention (through punishment and corrective measures) increases the overall effectiveness of environmental protection.

#### **4.1.8. Punishments and Criminal Policies in Iran and France**

Iran's punishment policy toward environmental offenses remains notably limited, especially regarding state institutions. Criminal tools such as heavy sanctions, facility shutdowns, or mandatory corrective programs are rarely applied to state entities, leaving a substantial accountability gap.

In France, both natural and legal persons may face a diverse array of sanctions. Public institutions particularly at the local level are subject to fines, operational restrictions, remedial measures, and public disclosure requirements. These sanctions collectively strengthen deterrence and institutional compliance.

#### **4.1.9. Approaches and Policies for Rehabilitation and Offender Correction**

Iran's rehabilitative policies for environmental offenses are minimal and primarily directed at natural persons. There is no structured framework for correcting the conduct of state institutions or legal entities.

France, however, incorporates corrective and rehabilitative measures into its criminal policy through mandatory environmental restoration, court-supervised compliance programs,

and specialized training for public officials. These measures aim to modify organizational culture and reduce the likelihood of recidivism.

#### 4.1.10. Human Rights Considerations

In Iran, limitations on access to environmental information, non-transparent judicial proceedings, and the absence of mechanisms for holding state bodies criminally accountable may result in violations of public rights and the rights of future generations.

In France, greater transparency, public disclosure of judicial decisions, and the criminal accountability of local public institutions strengthen environmental rights and public participation. Nonetheless, the exemption of the central state remains a point of tension from the perspective of environmental justice and equality before the law.

#### 4.1.11. Existing Challenges in Criminal Policies

Iran faces several structural and institutional challenges: an incomplete legal framework, non-recognition of criminal liability for state institutions, a dearth of relevant judicial precedent, cultural and bureaucratic resistance, and resource constraints.

France, despite its more advanced system, also confronts challenges such as the exemption of the central state, the complexity of aligning domestic law with international and EU obligations, and the policy tension arising from competing economic and environmental priorities.

**Table - 1 Comparative Analysis of State Criminal Liability in Environmental Crimes :Challenges and Criminal Law Approaches in Iran and France**

Dimension / Aspect	Iran	France
<b>Theoretical Foundations &amp; Legal Philosophy</b>	Criminal liability primarily applies to natural persons; state criminal liability is largely denied, rooted in Islamic jurisprudence and constitutional principles; Article 143 allows limited liability for legal persons but excludes state entities.	Criminal liability of legal persons formally recognized since 1990s; applied to environmental crimes; public and private institutions are held accountable, not just managers or employees; firmly established in criminal policy.
<b>Legal Framework</b>	Scattered and uncoordinated; provisions in Penal Code (2013), Environmental Protection Act (1974), Clean Air Act (1995), etc.; mainly target natural persons; significant exemptions for state entities.	Comprehensive Environmental Code covering nearly all environmental domains; explicitly includes legal persons, including local public institutions; coherent, detailed, and transparent.
<b>Scope and Extent of Liability</b>	Very limited; state institutions enjoy <i>de facto</i> immunity; mainly civil or administrative responsibility; environmental damages from state projects rarely lead to criminal prosecution.	Broader scope; municipalities, regional councils, and public institutions can be prosecuted; sanctions include fines, suspension, or mandatory remedial measures; central state exempt, but local entities accountable.
<b>Judicial Practice &amp; Enforcement</b>	Virtually no precedents of convicting state entities; courts focus on natural persons and compensation orders.	Dynamic and active jurisprudence; public entities prosecuted for illegal waste disposal or water pollution; active enforcement strengthens compliance.



Dimension / Aspect	Iran	France
<b>Sanctions and Penalties</b>	Almost absent for state entities; primarily monetary fines, temporary closure of private facilities, or civil liability.	Wide spectrum: heavy fines, suspension/revocation of operation permits, facility closure, remedial actions, public disclosure of judicial rulings; strong deterrence for public institutions.
<b>Comparative Criminal Policy Role</b>	Influenced by Islamic jurisprudence and state sovereignty; limited criminal obligations for the state; reliance on administrative and civil measures.	Aligned with EU regulations and international environmental commitments; recognition of public legal persons' liability part of international obligations.
<b>Crime Prevention Policies</b>	Administrative and supervisory; focus on directives, permits, and inspections; limited criminal prevention; absence of state liability reduces enforcement incentives.	Legal and criminal framework; education, public awareness, judicial oversight, deterrent sanctions; combines primary (laws) and secondary (sanctions/ conduct correction) prevention; highly effective.
<b>Punishments &amp; Criminal Policies</b>	Limited to modest fines, temporary closure of private polluting facilities, or civil liability; state enjoys <i>de facto</i> immunity.	Comprehensive sanctions for individuals and legal persons; fines, suspension/revocation, remedial actions, mandatory environmental restoration, public disclosure; ensures accountability.
<b>Rehabilitation &amp; Offender Correction</b>	Very limited; mostly training/retraining natural persons; no comprehensive program for legal entities or state institutions.	Includes mandatory remedial measures, environmental restoration, and training for public officials; aims to modify organizational conduct and prevent recidivism.
<b>Human Rights Considerations</b>	Limited access to information, low transparency, ineffective mechanisms for state accountability; risks to public and future generations' rights.	Transparent judicial process, public disclosure, criminal liability for local public institutions; central state exemption still poses social justice concerns.
<b>Existing Challenges</b>	Limited legal framework, absence of state criminal liability, weak judicial practice, institutional/cultural resistance, financial and human resource constraints.	Central state exemption, complexity in aligning with international standards, economic and political pressures related to development projects.

## Conclusion and Recommendations

The criminal responsibility of the state for environmental offenses resides at the intersection of public law, criminal jurisprudence, and urgent global environmental concerns. Historically, criminal law doctrines accorded states immunity from prosecution by virtue of their sovereign authority. However, the escalating severity of environmental degradation throughout the twentieth century has fundamentally challenged this paradigm. The critical question confronting contemporary legal systems is whether a state, as the principal agent of development and steward of natural resources, can and should be subject to criminal liability when its policies or actions cause environmental harm.



## Summary of Findings: Iran and France

In Iran, the recognition of criminal liability for the state remains highly problematic. Classical legal principles - including the personal nature of criminal responsibility and doctrinal shields protecting the sovereign authority - have historically insulated the state from prosecution. Although Article 143 of the 2013 Islamic Penal Code appears to acknowledge the criminal liability of legal persons, the broad exemption afforded to state and public institutions effectively nullify its practical application. Judicial practice reinforces this limitation: no significant precedent exists wherein a state institution has been criminally convicted for environmental offenses. Even in instances where government agencies cause severe pollution of air, soil, or water, the institutional response is confined to civil or administrative measures, such as temporary operational suspensions, warnings, or minor fines. Consequently, Iran's legal framework privileges civil liability over criminal deterrence, engendering a form of *de facto* immunity for the state actors.

France presents a contrasting model. Reforms embodied in the 1994 Penal Code, complemented by the comprehensive *Code de l'environnement*, established clear rules for the criminal liability of legal entities, including local public bodies such as municipalities and regional councils. French judicial authorities actively enforce these provisions, issuing multiple convictions against public institutions for offenses such as unlawful waste disposal and water pollution. Sanctions ranging from heavy fines to suspension of activities, mandatory remediation, and public disclosure of judgments strengthen deterrence and compliance. Notwithstanding these advances, the central state remains largely exempt, a limitation that continues to attract scholarly critique.

Three major distinctions emerge from the comparative analysis of the Iranian and French systems:

- 1. Theoretical Foundations:** Iranian law adheres to traditional doctrines limiting criminal liability to individuals, impeding extension to the state. French law, conversely, employs modern theories of collective responsibility and organizational attribution to justify holding public institutions criminally accountable.
- 2. Legislative Structure:** Iran's environmental laws are fragmented and lack a cohesive criminal policy. In contrast, France integrates most environmental crimes and sanctions into a unified Environmental Code, providing clarity, predictability, and robust enforcement mechanisms.
- 3. Judicial Practice:** Iranian courts are reluctant to prosecute state institutions; criminal actions against public bodies are virtually nonexistent. French courts, however, actively impose criminal sanctions on local public entities, enhancing environmental protection.

These differences indicate that Iran currently lacks the legal and institutional instruments necessary to ensure meaningful criminal-law protection of the environment.

The criminal responsibility of states for environmental offenses is not merely a political choice; it



is a legal, ethical, and practical necessity. The environment is a shared heritage and a right belonging to future generations, and states cannot remain exempt from accountability for destructive actions. The French experience demonstrates that public institutions can be effectively held responsible, providing a model for deterrence, remediation, and environmental justice. For Iran, achieving sustainable development and environmental protection requires a similar paradigm shift recognizing the state's criminal liability, strengthening judicial practice, and integrating preventive, punitive, and corrective measures. While France has made substantial progress, Iran still requires comprehensive legal and institutional reform to ensure effective environmental governance.

To address these deficiencies, several key reforms are recommended:

- 1. Recognize State Criminal Liability:** Amend Article 143 of the Islamic Penal Code to remove exemptions for state entities and explicitly recognize the state and public institutions as legal persons subject to criminal prosecution. While politically and institutionally challenging, this reform is essential to ensure that no state entity is automatically shielded from accountability.
- 2. Draft a Comprehensive Environmental Code:** Develop a unified statute encompassing environmental offenses, sanctions, and enforcement mechanisms, similar to France's Environmental Code. This code should consolidate existing provisions, clearly define criminal and civil liabilities, and provide procedural guarantees. Implementation challenges may include legislative complexity, coordination among ministries, resistance from vested interests, and resource constraints.
- 3. Establish Specialized Environmental Courts and Judicial Training:** Create dedicated judicial fora for environmental offenses and provide specialized training for judges and prosecutors in environmental law, science, and comparative jurisprudence. Challenges will include securing specialized staffing, sustainable funding, overcoming institutional resistance, and facilitating a cultural shift from traditional judicial practices.
- 4. Strengthen Criminal Sanctions:** Introduce higher fines, suspension or cancellation of harmful projects, mandatory remediation, and public disclosure of judgments. These sanctions should combine deterrent and corrective elements. Challenges include potential resistance from state-owned enterprises and line ministries, enforcement oversight, economic constraints, and potential procedural delays.
- 5. Align Domestic Policies with International Standards:** Integrate international environmental norms and learn from successful comparative models, particularly that of France. Challenges include structural, legal, and cultural differences, political and economic resistance, resource limitations, and the need to shift institutional and societal attitudes.

### AI Disclosure Statement

In the preparation of this article, AI was used for technical assistance with writing in academic English and formatting citations. The authors reviewed, verified, and are solely responsible for all content, citations, legal analysis, interpretations, and conclusions presented herein.



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