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Non-Governmental Organizations (NGOs), the Fight against Environmental Crimes, and the Mediating Role of Criminal Policies: Examination and Analysis

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Authors
Baqer Pourhoseyni (*1)

(1) Ph.D, Department of Law, Faculty of Humanity, Najafabad Branch, Islamic Azad University, Najafabad, Iran.

Corresponding Author's Info
Tell: +989161610596
Email: Baqer.pourhoseyni@yahoo.com
ORCID: 0000-0002-8529-7290

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ABSTRACT

Background
Crime prevention policy is a branch of criminal policy that seeks non-penal measures to prevent law-breaking in society. Regarding environmental issues, requirements related to environmental issues, including the irreparable nature of any damages directly related to life and the preservation of various natural issues, are doubly important to discuss prevention in this area.

Materials and Methods
This research is a descriptive-analytical study that employs library archives and other documents, books, and articles for collecting data.

Ethical Considerations
In all stages of conducting the current study, while respecting the originality of the texts, honesty and trustworthiness were maintained.

Findings
The level of intervention of individuals and non-governmental supervisory institutions is among the issues considered in public participation for crime prevention. Such measures are deemed useful and desirable strategies in prevention studies, yet studies indicate that these strategies cannot deter all crimes.

Conclusion
Educating and raising public awareness is one of the supervisory functions of the mass media. As popular observers with a wide range of stakeholders, they can force a diverse range of social sectors to abide by the law and exercise caution in their activities. In this regard, ensuring the independence of the media is of paramount importance in creating a sense of trust in the people.

Key words
Media Supervisory Function, Prevention Studies, Criminal Policies.

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INTRODUCTION

1- Preface

As a platform for growth and development, the environment is a single entity whose elements are all perceived to be interconnected. As such, the survival and development of humanity hinge on the establishment and maintenance of its elements. Therefore, environmental protection has become one of the pillars of national security [1].

The growing trend of environmental degradation and the spread of environmental pollution is a very cross-border issue, along with increasing global awareness of the threats that we, as human beings, have to face. It has urged the international community to take appropriate measures regarding the proper use of natural resources and the cooperation of governments and nations in their protection. This has led to the development of various principles, including prevention and the principle of participation in environmental law [2].

One of the most efficient and straightforward ways to respond to environmental crimes and protect the biological elements is to engage people in relevant activities, informing of the close association between sustaining life and improving the quality of life with a healthy environment and well-protected natural resources [3]. Furthermore, given that the ecological and natural elements are the heritage of all human beings, protecting them is a public duty according to Article 50 of the Constitution. This duty has shaped a binding commitment for all individuals and legal entities, both public and private.

Accordingly, by examining the criminal policy of Iran and considering the criminological and legal considerations, this study seeks to analyze the principles and functions of non-governmental organizations about crimes against the environment and highlight the weaknesses and ambiguities of these organizations. The authors hope that recommendations offered to resolve the discussed issues and ambiguities related to the involvement of NGOs in crimes against the environment will reduce the existing obstacles to the presence of NGOs in this new arena of participation.

2- Literature Review

A plethora of studies have been conducted on NGOs, but few have addressed the role of NGOs in environmental crimes. Nevertheless, the following are noteworthy:

In an article entitled "The Role and Position of Non-Governmental Organizations in Environmental Lawsuits (with the Approach of the New Criminal Procedure Code)" in the Proceedings of the Conference on the Code of Criminal Procedure in the Realm of Critique, Dadashi Chakan and Beigi [4] concluded that criminalizing polluting and destructive actions and providing appropriate and effective criminal responses to it can prove to be pivotal. Therefore, while getting sufficiently informed on the

matter, the practices mentioned above should be criminalized and hence introduced to the realm of criminal law, further necessitating coordinated efforts both domestically and internationally. However, the Iranian legislature has performed poorly in recent years, ignoring environmental issues and the parties involved until Article 66 of the Code of Criminal Procedure.

Mir Masoomnejad [5]: An article entitled "Study of the participation of non-governmental organizations in the fight against crimes against the environment" has been published in the Proceedings of the Conference on the Code of Criminal Procedure in Critique. The author concludes that the provision of an article in the new Code of Criminal Procedure will certainly be instrumental in preventing crimes against the environment. Furthermore, the possibility of the participation of grassroots organizations that take compassionate and voluntary steps to preserve this God-given blessing - compared to formal institutions that are part of their organizational duties - can prevent crimes related to this area.

In addition, the existence of these organizations and associations is the crystallization of civil participation in the criminal process. This article examines the advantages and challenges of Article 66 of the new Code of Criminal Procedure in non-governmental organizations' participation in environmental criminal cases and their role in preventing crimes in this area.

In an article entitled "Environmental Democracy; Participatory approach in response to environmental damage", Mahdavi and Ali Nejad [2] argued that the principle of participation is one of the most important social principles. Environmentalists believe that, given the contentious nature of environmental issues, which are largely stemmed from differing values, the best way to develop environmental policy is to devise and implement participatory models. Governments and citizens are the two main pillars in this area; that is, public participation in implementing environmental rules has become an integral part of the environmental law, which has requirements studied under the flag of accessibility rights. Therefore, providing the proper ground for realizing the rudimentary mechanisms of environmental participation is one of the main requirements for establishing a coherent and effective criminal policy, which will have significant prevention and the fight against environmental crimes.

In an article entitled "Reflection on the role and position of non-governmental organizations in environmental criminal cases", Ramezani Ghavvam-Abadi [6] discussed that one of the most important measures to protect the environment is to establish criminal deterrent measures. On the other hand, considering the environment as a stakeholder has constantly led to the rejection of the lawsuits.

However, designating a beneficiary with an environmental crime victim is an appropriate measure to protect its interests.

It is also possible to protect the environment by creating a suitable ground for increasing the activity of civil society organizations in the cases above. Therefore, this article has sought to discuss the strategies for optimizing the affiliated institutions by examining the role of non-governmental organizations according to the existing laws.

Moghimi [7] has studied the relationship between environmental factors and organizational entrepreneurship in non-governmental organizations. This article first describes the role and participation of non-governmental organizations in the realm of social development. It then briefly examines the performance of non-governmental organizations therein, especially in the development of environmental rights, to evaluate the participation and role of NGOs in the development of environmental rights.

3. The Definition of Non-governmental Organizations

In defining non-governmental organizations, it should be noted that it is impossible to provide a clear and transparent definition that would encompass all their types and goals due to many social mechanisms and the very wide range of activities and types. Furthermore, regarding the scope and diversity of the activities of these organizations, it is sufficient to mention that each of these organizations, although initially established for specific activities, such as for war-torn people or to reduce poverty, may prospectively get involved in other civil fields pertaining community activities. In other words, one of the important factors in providing a comprehensive definition of the concept and scope of non-governmental organizations, their activities in various topics including environment, relief, poverty alleviation, medicine, advocacy, law, etc., and without restrictions for learning, at the regional level. , Is national and global [8]. On the other hand, these organizations are formed and operated based on the internal structure of governments [9]. Also, there is no single procedure and literature for employing the notion mentioned above [10] because their activities are diverse and include interdisciplinary sciences [10]. Therefore, in light of all the discussed issues, providing a general definition often proves to be highly challenging, even bordering on the impossible.

The definitions of NGOs can be divided into formal and informal definitions. Formal definitions are provided by the legislature and official authorities, while informal definitions include those offered by scholars and experts to non-governmental organizations. In addition, legislators, both nationally and internationally, and official authorities and institutions, have proposed different definitions of non-governmental organizations according to their field of

activity. The most important of these definitions are:

3-1- United Nations Economic and Social Council (ECOSOC)

In terms of consultation, given the nature of the relationship between the United Nations and non-governmental organizations, Article 71 of the Charter of the United Nations empowers ECOSOC to determine the procedures that led to the adoption of Resolution 1996/31.

This resolution is very important in determining the procedure by which the United Nations interacts with other non-governmental organizations [9]. Article 12 of this resolution implicitly defines non-governmental organizations as "... Any such organization that is not established by a governmental entity or intergovernmental agreement ..." [11]. Regarding the financial contributions of States to these organizations, it is also provided that any financial assistance or other direct or indirect support from a State to the Organization shall be publicly communicated to the Committee by the Secretary-General and shall be recorded in full the financial statements. Moreover, other Organization records should be allocated to the goals pursued by the United Nations [8].

3-2- United Nations Department of Public Information (UN-DPI)

NGOs worldwide communicate with the United Nations through the United Nations Office of Public Information [8], which communicates with more than 1,300 NGOs and provides a remarkable definition of NGO: "Every NGO It operates locally, nationally or internationally and is run by people with common interests. Humanitarian services, public awareness of government actions, oversight of government policies, and encouragement of political participation in foreign affairs are among the activities of these organizations. In addition, such organizations play a role similar to that of warning mechanisms by analyzing and expertizing matters" [12].

3-3- Council of Europe

In October 2007, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec (2007)14 on the Legal Status of Non-Governmental Organizations in Europe [13], the first paragraph of Article 1 of which defines NGOs as "voluntary self-governing bodies or organizations established to pursue the essentially non-profit-making objectives of their founders or members."

3-4- French Law of 01.07.1901 on Associations

The French legislature soon welcomed the activities of non-governmental organizations in the old law passed on July 1, 1901, known as the Law on Associations, or the Law of July 1, 1901. Article 1 of this law defines association as "an agreement by

which one or more persons bring together, in a permanent manner, their knowledge or their activities for a non-profit purpose. It is governed, as to its validity, by the general principles of law applicable to contracts and obligations" [14].

3-5- Executive Regulations on the Establishment and Operation of NGOs

In examining the current Iranian laws to define non-governmental organizations, Article 1 of the "Executive Regulations on the Establishment and Operation of NGOs" by the Cabinet, which was approved on June 20, 2005, caught the authors' attention. In its relatively complete definition, this article stipulates that NGOs are "associations established voluntarily by a group of non-governmental natural or legal persons following the relevant regulations and having non-profit and non-political purposes."

3-6- The New Plan for Establishing, Operating, and Supervising Non-Governmental Organizations

In 2010, the draft law "Establishment, activity, and supervision of non-governmental organizations" in the form of 26 articles were approved by the Islamic Consultative Assembly, which is evidence of the change in the legislator's attitude towards non-governmental organizations. In the definition of NGOs, Article 1 of this law provides "NGOs are associations established voluntarily by a group of non-governmental natural and legal persons following the provisions of the Constitution, doctrinal principles and moral and social values of the Islamic Republic of Iran for non-profit and non-political purposes."

MATERIALS AND METHODS

The research method is analytical and descriptive—the method of data collection in the library. The present information has been prepared by filing and the relevant forms to collect points. After retrieving the collected materials, a plan and a list of the article's structure have been prepared. Finally, the discussion will be inserted, and the data of the article will be examined descriptively-analytically. The citation has also been done scientifically.

FINDINGS

1. The Legal Standing of NGOs in the Criminal Proceedings

Intervention in litigation requires legal standing, also known as "Locus Standi" which is the right to sue in court for a judicial review of a decision, action or lack thereof, claim for damages, or a request for law enforcement [15]. The supportive role of NGOs in criminal proceedings has so far been realized under three categories of standing: as an "injured plaintiff" such as France, as a "quasi-judicial" prosecutor such as Portugal, and as *amicus curiae* (literally, "friend of the court"), as in the International Criminal Court and regional human rights courts such as the European Court of Human Rights.

1-1- Injured Plaintiff

In the criminal process, when a crime occurs, although the public image and society's spirit are damaged, members of society can criminalize and declare that crime to protect the values and existence of society, relying on the support of the legislator [16]. However, only the direct victim or his / her deputy can request the prosecution of the accused as a plaintiff. Because this right is related to the private dimension of the individuals that the legislature seeks to protect, but society is an indirect victim.

In the division of crimes, there are different categories of negative impact on the victim and society. For example, some crimes undermine the security of society and the comfort of the public space or the values and boundaries of the Shari'a, a division which the criminal legislator accepts in Article 8 of the Criminal Procedure Code. Therefore, all members of society can indict and be prosecuted for environmental crimes such as crimes against the environment, natural resources, public health, or cultural heritage because these crimes are perceived to harm society.

1-2- Pseudo-Judicial

The quasi-judicial approach ensures the active participation of non-governmental organizations in litigation in violations of the public interest and the rights of vulnerable victims. In this approach, the parties do not merely declare a crime but have a "legal interest" and are considered beneficiaries, and thus enjoy the right to litigate and, consequently, the right to object and appeal the rulings issued in lawsuits. Given that this right has been delegated to these organizations based on protecting the public interest, which is the prosecutor's duty, it is interpreted as a pseudo-prosecutor.

1-3- *Amicus curiae*

In the legal system of the Anglo-Saxon countries, where consultation and collective wisdom are highly valued in the judiciary, there is an institution called the Amicus Curiae / Friends of the Court. In matters where the court must decide, they shall seek impartial persons who specialize in writing or orally. This approach is also used in international law. Therefore, as long as there is no obstacle to the presence of non-governmental organizations in such activities in terms of rituals and procedures, they can also contribute to the justice process as a friend of the court. One of the suitable institutions for reviewing and studying the reports of non-governmental organizations is the European Court of Human Rights [17].

Amicus curiae often seek advice on whether the issue has a broad social dimension and public interest, such as civil rights cases. Comments and advice may be offered either by individuals or the government. In American courts of appeal or inquiry, such statements are permissible only in cases with the parties' written consent or at the court's

request, except governmental statements exempt from this condition [18]. In Iranian law, the note to Article 35 of the Bill on the Protection of Children and Adolescents offers notions similar to that of the Friends of the Court.

2- The Scope of Operation of NGOs

In this section, the authors seek to examine the scope of intervention and the extent of the authorities of the NGOs in each of the stages of the proceedings and address whether other authorities can be granted to the NGOs under Article 66?

2-1- The Right to Indict and Initiate Litigation

In French law, ordinary people were given the power and right to prosecute and indict before the Revolution of 1789. This right is still ongoing in the current UK-based legal system. According to this authority, for someone to initiate a public lawsuit, he does not have to be necessarily a victim of crime, a right which conceivable for all members of society. Instead, these individuals must pursue the case and ask the court to issue a verdict with their counsel or lawyer. In practice, however, the swiftness of the police in detecting and prosecuting crimes excludes the opportunity or necessity to do so [19].

The participation of the social group in the first stages of the criminal process, i.e., the detection and prosecution of a crime, continues even after the closure of the criminal network and its monopoly by the government. Only the amplitude and amount are different. Sometimes the measures can be as wide as in the United Kingdom, and sometimes more limited and less than that. The community and its members participate as non-professional or public judges, such as public judges in juvenile courts and juries in criminal courts, by disclosing, pleading guilty, witnessing, and participating in hearings.. Such participation is perceived to be more developed in the countries under the common law system. In the French legal system, for example, according to Article 41 of the Code of Criminal Procedure and Amendments of 2000, if a crime occurs in which NGOs can be asked for assistance to serve the victim better, the prosecutor can inform them [20].

2-2- The Right to Sue or Declare a Crime

After establishing the NGOs, the right to sue was divided into two stages, namely, a priori and posterior. The executive bylaws of the establishment and operation of NGOs in three articles 4, 16, and 22 refer to the right to litigate before the judicial and quasi-judicial court. Article 4 establishes the general rule of litigation. Article 16 establishes the right to sue within the scope of the Organization's activities and protect and defend the public interest against a natural or legal person.

Article 16 of the Executive Regulations approved in 2005 assumes the right to "file a lawsuit" for NGOs. However, Article 66 of

the Code of Criminal Procedure Approved in 2013 assumes them the right to "declare a crime" and does not mention the right to sue and file a lawsuit by the NGOs. Instead, Article 16 states that "the organization has the right to use natural and legal persons in the courts for the protection of the public interest in the course of its activities."

This article introduces the right to sue on two preconditions. The first is being in the scope of the Organization's operation an organizational activity; that is, if the Organization is active in the field of environment or animal defense, it has the right to file a lawsuit only in that same domain. Second, litigation should be conducted only to protect the public interest. With this detail, the envisaged framework and style of this right was a matter for reflection. There are no credit regulations like ordinary laws in the Iranian legal system, and there is no need for judges to accept and implement them.

Because according to Article 170 of the Constitution, "Judges of the courts are obliged to refuse to implement government decrees and regulations contrary to Islamic laws and regulations or outside the powers of the executive branch, and anyone can revoke such provisions from the Court of Administrative Justice." Therefore, this article was not a good guarantee for the participation of non-governmental organizations in the criminal process [21].

2-3- Authority or Obligation to Declare a Crime?

According to the text of Article 66 of the Criminal Procedure Code, NGOs have the power to declare a crime and not a duty or obligation to do so. However, in the case of ordinary persons, following Articles 66 and 65 of the Criminal Procedure Code, the declaration of their guilt will lead to the initiation of a lawsuit only if it is under the occurrence of a crime and the crime has an irreversible public nature. Otherwise, their declaration, along with the reasons for their claims, shall oblige the authorities to prosecute.

Nonetheless, NGOs cannot be prosecuted for non-exercise their powers established by Article 66 of the Code of Criminal Procedure. However, they might be subject to administrative and disciplinary enforcement guarantees outside the scope of this article.

2-4- Validity of the Report and the Indictments of NGOs

Given the quasi-judicial nature of criminal prosecution initiated by non-governmental organizations, the declaration of guilt should not be the same as that of ordinary persons because ordinary persons have no other influence on the proceedings other than the declaration of guilt—cases to appear in court as witnesses. However, the role of NGOs is not limited to reporting a crime, as authorities are not as sensitive towards NGOs as they would be when receiving

reports from individuals. This is because it is rightfully assumed that NGOs, as credible and trusted individuals, do not pursue personal gain in prosecuting.

Article 64 of the Code of Criminal Procedure, adopted in 2013, provides the legal aspects of initiating criminal prosecution. The most obvious is the individual's confession, the second being the complaint of the public or private plaintiff. The next item pertains to the prosecutor, whether there is an obvious crime against the prosecutor or he finds out about the crime through other legal means. If an obvious crime occurring before the investigator is another ground for litigation, the last condition would be a declaration by judicial officers, officials, or reliable and trustworthy persons.

2-5- Investigation Stage

The investigation stage in the prosecutor's office is done by the investigator and in some crimes by the prosecutor, assistant prosecutors, judicial officers, and in crimes without an indictment by the court.

At this stage, there are certain prevailing principles, including the principle of non-publicity and secrecy (Article 91 of the Code of Criminal Procedure), which means that this stage of procedure must remain secret to people other than the litigants. Defendant and plaintiff are also not allowed to interfere in the investigation. According to Article 190 of the Code of Criminal Procedure, the lawyer of the accused can only, after obtaining information about the accusation and its reasons, express what he deems necessary to discover the truth, defend the accused or enforce the law, and hence have them reflected in the minutes. Therefore, this step is done only by the investigating authority (investigator, prosecutor, judicial officer, and court) without the direct intervention of either of the litigants. However, this stage is no secret to the prosecutor, the court, the expert, and to some extent, the litigants, and these people are allowed to attend this stage. Under Article 66 of the new law, NGOs are not among these parties to the lawsuits.

3- Challenges of Legislative Criminal Policy

Despite the definitions of participatory criminal policy in many countries, including Iran, there are still many challenges in legislating, determining the applicability, and implementing participatory criminal policy in the legal systems. These soon-to-be-mentioned challenges may arise during the need assessment phase of the law, during the amendment of existing laws, and ultimately, while drafting new laws to decide what offenses to include in this policy. Thus, although this decision might seem straightforward, the applicability issue often proves challenging in many cases.

3-1- Absence of Law

Currently, in the absence of a law approved by the legislature, the "Code of Non-Governmental Organizations" approved by

the Cabinet in 2016 is the only regulation governing the establishment and operation of NGOs. The adoption of the executive bylaw in 2002 was based on Article 182 of the Third Development Plan Law. However, its approval was met with two objections by jurists: First, basically, the executive branch does not have the authority to regulate the rights and freedoms of citizens, even by the delegation of the legislature, and thus is not able to develop enforceable rules in this regard, because the regulation of the rights and freedoms of citizens is one of the exclusive powers of the Islamic Consultative Assembly, one of which is the right to association and freedom of association, itself being closely affiliated with freedom of expression. The bylaws approved in 2016, the draft of the parliament, and the draft of the government bill, in turn, have their drawbacks

3-2- A Priori Supervision and Strict Process of Establishing NGOs

At present, according to the latest regulations, namely the Code approved in 2016, a request to establish an organization by the required operational scope is first submitted to the Secretariat of the National, Provincial, or City Council for Development and Support of Associations (Article 14 of the Code). Then the establishment permit (initial and temporary agreement) is issued according to Note 1 of Article 14). The founding board of the Organization shall, within one month, prepare the articles of association and the corresponding minutes and submit them to the secretariat of the relevant council for approval (Article 15). Finally, the council's secretariat is issued the Organization's license and is sent directly to the State Property and Deeds Registration Organization for official registration (Article 20). After receiving the license and registering it, the organizations have the rights stated in the regulations, including the right to sue the judicial authorities. They will thus gain legal standing (Article 29).

3-3- Decline of the Voluntary Nature

This feature, which can be considered the most important reason for the success and efficiency of NGOs around the globe, causes these organizations to move away from strict government bureaucracy and formal regulations towards discrete, proactive measures. However, in Note 5 to Article 1 of The Executive Regulations on the Establishment and Operation of Non-Governmental Organizations, "volunteering" is interpreted to mean participation, establishment, and management of the Organization based on the principle of freedom of will individuals. However, even if the term "voluntary" is explicitly mentioned in the definition of these organizations, the 2016 regulations do not provide further explanation.

3-4- Deprivation of Self-Regulation Feature

Non-governmental organizations are financially self-governing, and although they are free to receive donations from the

government, donors, and international organizations, they should not turn into a stream of dependable financial resources and divert the Organization from its goals and commitments. This issue has been presented largely in the executive regulations for the establishment and operation of non-governmental organizations approved in 2005. Unfortunately, in many cases, it has been violated by the Social Commission of the Islamic Consultative Assembly with the new plan of establishing, operating, and supervising non-governmental organizations. If final approval, NGOs in many cases lose their autonomy, and therefore their activities will not be possible without the permission of government departments and regulatory bodies.

3-5- More Strictures

Paragraph (c) of Article 12 of the New Plan for the Establishment, Operation, and Supervision of NGOs also considers "facilitating and assisting the implementation of programs and projects of government agencies and public institutions" as one of the rights of non-governmental organizations. However, unfortunately, by envisaging a bureaucratic process in Article 16 of the plan above, government agencies and public institutions must obtain a permit from the High Supervisory Board of Non-Governmental Organizations before concluding a contract and memorandum with any such organization. In the final approval of this plan, no official authority can collaborate with NGOs without first obtaining permission from the said board.

4- Challenges and Obstacles to Efficient Implementation

As mentioned earlier, although NGOs still suffer from a lack of a comprehensive law on the principle of their establishment and operation, Article 66 of the Code of Criminal Procedure, adopted in 2013 and revised in 2015, introduces a corrupt criminal. The policy allows different associations to intervene and participate in criminal proceedings and provides them with an appropriate mechanism to initiate litigation. To eliminate the existing flaws in the laws regarding NGOs, the development of this law and similar laws and codes can prove to be groundbreaking. However, the existing laws, including general laws and the criminal procedure relevant to NGOs, suffer from a plethora of ambiguities and drawbacks that prevent the realization of the goals set by them. Some of these drawbacks and ambiguities are as follows.

4-1- Generalization in the Rules Regarding the Participation of NGOs and Lacking a Distinct Mechanism

In recent years, the legislature has paid significant attention to NGOs and has discussed various developing laws. However, efforts therein seem inefficient, as they mostly lack any mechanism for objective implementation. For example, according to Article 10 of the Law on Promoting the Health of the Administrative

System and Combating Corruption, approved in 2011, the Ministry of Interior must take the necessary measures within the framework of laws and regulations related to the country's interests to develop and strengthen non-governmental organizations in the fight against Corruption. Also, submit its annual report to the Islamic Consultative Assembly. "

4-2- Rejecting the Participation of NGOs in Decision-making Processes

In this regard, Article 13 of the Executive By-Laws on the Establishment and Activities of Non-Governmental Organizations, approved in 2005, stipulated: To participate in the invitation meetings and report from the point of view provided in the documents relevant organization. However, the Cabinet, in an attempt to widely considered degradation against the interests of society and non-governmental organizations, explicitly revoked this article on 5/13/2007. This task of government and public organizations is also not considered in Article 29 of the Code of 2016.

4-3- Impossibility of Participating in Civil and Administrative Proceedings

All EU member states are allowed access to administrative courts to bring public-interest lawsuits regarding environmental issues before the courts. However, some countries have also been granted the possibility of civil litigation and criminal prosecution [22]. The possibility of filing civil and administrative lawsuits is more compatible with punishment and criminal prosecution, while for criminal lawsuits, criminalizing behavior is essential. If there is no criminalization, there will be practically no supportive intervention from the NGOs.

4-4- Lack of Criminality Necessary to Support the Foreseen Issues

The precondition for NGOs to support the nine issues mentioned in Article 66 of the Code of Criminal Procedure and the Law on the Protection of the Commandments of the Good and the Prohibition of the Evil is to criminalize or offer judicial support. According to the principle of legality of crimes, indicting a crime is essentially meaningless if there is no such a thing as a crime against women, children, patients, or the environment in the criminal law.

4-5- Ambiguity in the Participation of NGOs in Quasi-judicial Institutions

According to the interpretation of Article 66 of the Code of Civil Procedure, which deals with the judicial authorities and does not specify the quasi-judicial authorities, although the precedence of such a ruling can be taken by analogy, it can not be denied that ambiguity about the role of the judiciary There is. This ambiguity may create obstacles in practice and implementation. For example, paragraph (h) of Article 29 of the Code approved in 2016, which includes the phrase "litigation in judicial authorities ...", is in stark contrast to paragraph (g) of Article 4 of the Code of 2005, which stated "the right to sue in judicial and quasi-

judicial authorities", further fueling this ambiguity.

4-6- Reducing the Scope of Authority

Intervention and participation of NGOs in criminal proceedings have gradually decreased during the amendments to the Code of Criminal Procedure. The right to nominate a representative to appear in court and receive a subpoena - continued to be followed by the violation of the combination of rights for NGOs in the previous laws by the existing Code of Criminal Procedure, which began at the beginning of the criminal process. That is, the right to comment and present evidence continued to the end, that is, the right to object to the verdict.

Their presence and activity in criminal proceedings have been reduced to zero in practice, and support has been taken out of reach. The remaining cases in the new form of the article are summarized as a declaration of guilt and participation in the proceedings, which also existed without being mentioned in this article. The right to indict is a right for everyone. Furthermore, the principle of openness of the hearings does not leave any obstacle to attend the court hearings; that is, except for cases in which non-disclosure is explicitly demanded, everyone has the right to attend meetings.

4-7- Limitation of Backable Cases

The supportive role of NGOs in criminal proceedings is accepted in limited cases. However, article 66, which draws the boundaries of the operation of NGOs, has excluded a plethora of institutions, such as activists in the field of protection of victims of work-related accidents, from this sphere, thus providing the grounds for dissatisfaction and criticism of these organizations.

4-8- Conditions Preventing Participation

Conditions of intervention are another obstacle to the supportive role of NGOs. The need to obtain the consent of the victim or his or her legal guardian in the event of a crime committed by the guardian, temporary guardian, or prosecutor (Note 1 of Article 66) in crimes with distinct victims is a major obstacle to the protective role of NGOs because the main victims of this article are children and adolescents, women, and patients with physical or mental disabilities. While the major crimes against these people often include child abuse and domestic violence. Therefore, according to the available statistics, the offender is frequently a family member to the victim (i.e., parents and spouse), and making the protective role of the NGO conditional on the consent of such a victim or the guardian practically translates to a lack of protection. Research shows that female victims of domestic violence have been attacked nearly 35 times before seeking help. About one woman is killed every week by her current or past partner, and most domestic violence is not reported to the police at all [23]. According to another study, public prosecutors reported

that nearly 60% of the victims they represented did not cooperate with the judiciary during the prosecution of domestic violence [23]. In such a situation, it is practically useless to condition the intervention of the NGOs on the consent of the victim.

4-9- Lack of Proper Dissemination of Information

Even though the duty of officers and judicial authorities to inform the victims of the contributions and assistance offered by NGOs (Note 2 of Article 66) is a positive and necessary action, it is not enough. Victims are largely unfamiliar with formal criminal law practices, from contacting the police to prosecuting and obtaining security orders [23].

4-10- Ambiguity Regarding the Scope of Activities and Authorities

The lack of a comprehensive law in the absence of a comprehensive law, along with the legislator's scattered references to the role of corporations in specific matters such as Article 66, has created a kind of ambiguity and confusion about the activities and powers of these organizations. Perhaps the organizations themselves are unaware of how to create this partnership, given the ambiguity of the rules in this area.

CONCLUSION

Environmental issues all have unique properties that make them of fundamental value as the basic elements of our daily lives. However, these issues are often subject to extreme harm, if they are not properly protected and, when it would be the case, restored. Hence, prevention-based approaches are deemed the most logical. Furthermore, sometimes the cost of restoring the status quo is so high that even by identifying the root cause or the guilty parties, they cannot be sentenced to restoring the status quo, as any effort might bring about high costs. Scrutinizing these issues has led scholars and experts of the environmental sciences to advocate extensively the need to take preventive measures to prevent damages to the environment. In Iranian criminal policy, NGOs have important roles in a complete criminal investigation process, including appearing as an injured plaintiff, acting as a quasi-prosecutor, functioning as a friend of the court, pleading guilty, and requesting to initiate criminal prosecution, among others. Thus, it is safe to argue that, given the breadth and significance of commitment to environmental protection, the Iranian legislature has highly valued NGOs in its criminal policy.

ETHICAL CONSIDERATION

In all stages of conducting the current study, while respecting the originality of the texts, honesty and trustworthiness were maintained.

AUTHOR CONTRIBUTIONS

Planning and writing of the manuscript was done solely by the author.

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No conflict of interest was reported by the author.

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