



The Necessity of Criminalizing Non-Standard Structures in Iranian Criminal Law

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ABSTRACT

Population growth and the advancement and development of society have always led to an increase in construction activities. Looking back, we see that the transformation of traditional urban and rural residential structures into modern styles has resulted in high-rise buildings replacing traditional, old villas. Therefore, the formulation of regulations aligned with these advancements becomes necessary. Consequently, violations have increased, and former laws are insufficient to address these advancements, requiring a reconsideration of legislation. When examining Iranian laws concerning unauthorized construction, the Iranian legislator has not adopted a criminal approach to these issues. The Islamic Penal Code includes only a few articles, yet the extent to which these provisions are effective in deterring offenses resulting from unsafe construction requires further analysis. According to the Islamic Penal Code, addressing crimes related to construction often necessitates recourse to general laws concerning accidents. In cases involving crimes against individuals, the prosecution and punishment of those responsible for accidents caused by construction result in responses such as the imposition of blood money (diya), fines, and, in some instances, imprisonment. Thus, existing laws are ineffective in preventing crime, and the current approach of Iran's legislative criminal policy in this area is inefficient.

Keywords: *Urban Planning Crimes, Construction Offenses, Crime Inducement, Unsafe Structures, Crime Prevention, Building-Related Negligent Crime, Public Health Threats to Citizens.*

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1. Introduction

A preventive approach to crime is the most desirable objective of criminal policy. In society, structures and laws should be defined in such a way as to prevent crime rather than merely react to criminal phenomena. Building violations refer to the breach of urban planning laws, the disregard of mandatory construction regulations, and the failure to observe safety, health, and technical standards related to building

construction. Building violations encompass the breach of urban planning, architectural, technical, and health regulations in construction, non-compliance with technical principles or rules in design, calculation, execution, safety, and regulations governing urban comprehensive and detailed plans, rural guiding plans, and other development plans. Additionally, they involve violations of urban principles and the lack of building permits or construction contrary to the terms of building



permits and neglect of national building regulations (Saromi Nouri et al., 2022). However, building violations sometimes result in irreversible accidents. In the past decade, we have witnessed tragic incidents, such as the Plasco Building disaster in Tehran and the Metropol Building collapse in Abadan, which claimed the lives of dozens of people. In many countries, due to the significance of this issue, strict regulations have been established in the field of construction. The historical background of construction laws dates back to the 18th century BCE. In the Code of Hammurabi, the king of Babylon, it is stated that if an architect fails to build a house securely and the homeowner is killed as a result of the building's collapse, the architect shall be sentenced to death. Construction in violation of regulations and guidelines can be considered a violation as long as it does not infringe on public rights; however, if it disrupts the peace and comfort of people, infringes on citizens' rights, harms the rights of individuals or the community, damages the physical and mental health of society, or destroys the environment or cultural and historical heritage, it should be viewed as a criminal act (Badamchi, 2017). In such cases, a private complainant or the public prosecutor, representing society, should intervene using legal instruments to prevent crimes in this domain. Consequently, it is necessary to review the existing laws and, if they prove ineffective, to enact new regulations. This article seeks to answer the following questions: What criminal laws exist in the field of construction? Do existing construction laws have a preventive aspect? How is the role of the public prosecutor defined in dealing with unsafe and non-compliant construction? Where are the potential weaknesses in construction laws? To what extent have the preventive necessities of existing laws been considered by the legislator? What actions can be taken to prevent and deter violations? Is it necessary to criminalize unauthorized structures?

2. Laws and Regulations in the Field of Construction: A Criminal Phenomenon or Building Violation?

In general, violations of construction-related laws in Iranian law are recognized as infractions, which is why they are not viewed as criminal phenomena, except in exceptional cases. This is evident in legislative history. In Iranian criminal law, unsafe or non-standard construction has not been criminalized, and it is considered a violation in other laws as well. Therefore,

according to the principle of legality of crimes and punishments, the judicial system cannot prosecute violators as criminals for merely committing an act contrary to the law. However, some legal scholars believe that issues related to land and construction, as criminal phenomena, require a legal framework established by the legislature. Additionally, some government officials have called for the criminalization of building violations.

2.1. A Review of Legislative History and Related Laws on Construction

The history of construction laws in Iranian law dates back to before the Islamic Revolution. It is clear that population growth, urban expansion, and urban planning development have accelerated after the Islamic Revolution and in recent decades, but laws have not undergone significant changes accordingly.

2.1.1. Bylaw on Violations, Enacted in 1945

The first law imposing short-term imprisonment and fines for urban crimes and construction without observing regulations was the Bylaw on Violations, enacted in 1945. Articles 2 and 3 of this bylaw provided for short-term imprisonment and fines for individuals who violated urban planning regulations or built structures without obtaining a permit from the municipality (Souri, 2017).

2.1.2. Municipality Law, Enacted in 1955 with Subsequent Amendments and Additions

The Municipality Law has undergone several revisions since its enactment, and some of its provisions have been amended and supplemented, with the latest amendments made on February 13, 2021.

2.1.2.1 Amended Clause 14 of Article 55 of the Municipality Law

One of the amendments to this law is Clause 14 of Article 55, amended on February 16, 1967. The legislator provided enforcement measures to address dangerous or illegal construction activities. According to this amended clause, the municipality, through its officers, takes action to eliminate risks or nuisances and charges the costs and fines to the violator. This clause can be seen as a preventive measure.

2.1.2.2 *Amended Clause 24 of Article 55 of the Municipality Law*

Another responsibility of the municipality pertains to issuing permits for buildings within the city. Individuals who establish a business or trade in a non-commercial zone contrary to the terms of the building permit face initial proceedings in the Article 100 Commission of this law. The commission decides on shutting down the business or trade, which is then enforced by municipal officers. If someone knowingly continues using the property for business or trade after closure, they are subject to imprisonment for a term of six months to two years and a fine ranging from 5,001 to 10,000 rials, and the business is shut down again. According to a decree issued on March 15, 2021, the fine has been adjusted to 25,000,000 to 50,000,000 rials. Since imprisonment falls under the jurisdiction of the judiciary, violations must be reported to judicial authorities and the prosecutor. A conscious violation, such as continued use after closure, is punishable by imprisonment and a fine, serving as a criminal enforcement measure.

2.1.2.3 *Article 100 of the Municipality Law*

This article establishes the Commission of Article 100 as an authority for addressing construction violations in terms of urban planning and safety regulations. If citizens involved in construction engage in violations, these cases are reviewed by the Commission of Article 100. Article 100 of the Municipality Law comprises 11 subsections. The Commission handles cases of unauthorized construction, construction beyond or outside the permit, lack of parking spaces or unusable parking facilities, encroachment on city streets, lack of building stability, or failure to observe technical, health, and urban planning regulations in construction, unauthorized land use changes, and violations by building supervisors.

A) Structure

The Commission members include a representative from the judiciary, a representative from the municipality, a city council representative, and a representative from the governorate. The Commission's decisions on matters within its jurisdiction may include orders for demolition or the imposition of fines.

B) Nature of the Commission's Decisions

There is debate about whether the Commission's nature is criminal or non-criminal. The Commission is an administrative body. Administrative authorities include general administrative bodies, with the Administrative Court of Justice as the sole authority, and exceptional administrative bodies, such as tax dispute boards, customs dispute authorities, and boards addressing disputes between municipalities and other parties, including the Commission of Article 100 established under the Law on the Addition of Paragraph 3 to Article 99 and the Commission of Article 77.

According to the author, since the Commission is an administrative authority and refers to issues within its jurisdiction as violations, and since appeals against its decisions are handled by the Administrative Court of Justice, the Commission does not have the authority to address matters as criminal phenomena. Its purpose is to maintain urban construction order rather than reform or punish offenders, so it cannot be classified as a criminal authority.

One of the most contentious issues in the Municipality Law is the Commission of Article 100. In recent decades, the non-implementation of demolition orders has become a subject of significant debate. The most severe legal measure available to the Commission to address construction violations is a demolition order; however, due to the uncertainty and non-finality of the Commission's decisions, and the possibility of paying fines instead of demolition, violations have continued, lacking necessary deterrent effects (Sanaei Pour & Asadpour Tehrani, 2018).

2.1.2.4 *Responsibility of Supervising Engineers under Subsection 3 of Article 100 of the Municipality Law*

Supervising engineers are required to continuously monitor the construction projects they are responsible for to ensure compliance with the specifications in the permit, the attached plans, and technical calculations, and to certify the building's conformity with the permit and plans upon completion. If a supervising engineer issues a false certification or fails to report violations to the municipality promptly, resulting in a case being referred to the Commission mentioned in Subsection 1 of Article 100 and an order for the building's demolition, the municipality must report the matter to the Engineering and Construction Organization. The

Disciplinary Council of this organization is obligated to suspend the supervising engineer's work for six months to three years, depending on the severity of the case, and, in case of repeated violations leading to a demolition order by the Commission of Article 100, impose the maximum penalty. The Council will record the penalty in the engineer's professional license and announce it in a widely circulated newspaper.

2.1.2.5 Instruction on How to Address the Failure of Managers and Employees to Fulfill Legal Duties and Prevent It, Approved on October 21, 2020, by the Judiciary

According to this instruction, the Inspection Organization, under the supervisory authority of the Judiciary, is tasked with preserving public rights and overseeing the proper implementation of laws per Article 2 of this instruction. In line with Articles 90, 91, and 92 of the Civil Service Management Law, approved in 2007, managers and direct supervisors in executive agencies are responsible for overseeing, controlling, and maintaining the proper conduct of their employees in performing assigned duties and are required to comply with the law and avoid any unlawful behavior, whether by action or omission. The failure of managers to fulfill their legal duties, negligence, and failure to report crimes and violations under their jurisdiction make them legally liable. The instruction assigns preventive responsibilities and reporting to the public prosecutor. Clause "ch" of Article 2 explicitly references Article 55 of the Municipality Law, mandating the Inspection Organization to issue warnings to relevant authorities when the failure to perform legal duties may pose a risk or result in harm to public resources due to non-compliance with regulations and to pursue the matter until resolved in accordance with legal provisions.

2.1.3. Urban Renewal and Development Law, Approved in 1968

Under Article 1 of this law, urban renewal, development, and essential reforms to meet urban needs, build and improve roads, and revitalize neighborhoods to ensure the proportional and balanced growth of cities are fundamental responsibilities of the municipality. According to Article 23 of this law, municipalities have the authority to oversee the use of city boundaries and perimeters, including determining building

classifications, heights, façades, and construction quality based on comprehensive urban plans and standards set by the High Council of Urban Planning. The Urban Renewal and Development Law, approved in 1968, emphasizes reform, development, maintenance, and the collection of taxes on land and buildings, even prescribing imprisonment as a penalty in some cases (Shatiryani & Javid Panah, 2020).

2.1.4. Engineering and Building Control Law, Approved in 1995

The Engineering and Building Control Law, approved in 1995, stipulates in Article 4 that individuals and entities engaged in technical activities in the building and urban planning sectors, as determined by the Ministry, must possess professional qualifications. This qualification for engineers is established through a professional engineering license, for technical associates and experienced architects through an associate or experiential work license, and for skilled workers through a technical skill license. The Ministry of Roads and Urban Development issues engineering and associate work licenses, while the Ministry of Cooperatives, Labor, and Social Welfare issues technical skill licenses.

Article 32 of this law considers any engagement by unqualified individuals or entities in technical activities requiring certification, practicing outside the certified scope, establishing any institution, office, or business place to offer technical services without the necessary qualifications, and offering engineering services, including design, implementation, and supervision, by individuals or entities responsible for plan review or building control of the same project as violations. Article 34 mandates that municipalities and other authorities responsible for issuing permits, monitoring, and overseeing construction and urban planning activities, as well as contractors of government and public buildings, professional engineers in construction and urban planning, and property owners and contractors in cities, towns, and other areas subject to national building regulations and urban planning standards, must comply with these standards. Violations of these regulations are considered offenses, and Article 40 prescribes fines ranging from 5,500,000 to 60,000,000 rials, with the possibility of further administrative action.

2.1.5. *Islamic Penal Code, Approved in 2013*

2.1.5.1 *Liability*

In Chapter Six of the Islamic Penal Code titled "Causes of Liability," Articles 517 to 520 set forth legal provisions concerning construction. According to Article 517, if an owner or a person responsible for constructing a building constructs it lawfully or builds a balcony or similar structure adhering to safety measures and technical standards necessary for building stability, and damage or injury occurs by chance, the individual is not liable. The article's note states that if the unauthorized action cannot be attributed to the owner, such as being attributable to the relevant engineers, the owner is exempt from liability, and the person to whom the action is attributed is liable. Article 518 specifies that if a person builds a structure or wall on a firm foundation, adhering to the required stability and safety regulations, and it collapses due to unforeseen events like an earthquake or flood, causing damage, they are not liable. If the structure or wall is built within the individual's property such that, if it collapses, it would naturally fall within the property but instead accidentally falls elsewhere, causing damage, the individual is not liable. The implication of this law is that if stability and safety regulations are not observed, even if a structure collapses due to unforeseen events and causes damage, the builder is liable. Article 519 states that if a wall or building constructed on a stable, non-tilted foundation is at risk of collapse or tilts towards another's property or a public pathway and collapses before the owner has the opportunity to repair or demolish it, causing damage, liability is waived, provided that the owner has adequately warned individuals at risk of the danger. If the owner fails to repair, remove, or alert others despite having the means and negligence results in harm, the owner is liable. The article's note clarifies that if the collapsed structure belongs to a minor or an insane person, their guardian is liable, and if the building is public or government-owned, the custodian or responsible official is liable. Article 520 states that if a person intentionally tilts another person's wall or structure toward collapse without permission, they are liable for any resulting damage or injury.

A) Nature of Liability: Punishment or Compensation

Liability encompasses both criminal and civil aspects. These differ not in essence but in how the obligation arises: criminal liability arises from a crime, while civil

liability arises from damage to property or objects. Generally, if liability results from negligence or is committed by a person under guardianship, the perpetrator or the responsible guardian must pay compensation or blood money (*diya*). However, if the crime is committed intentionally, the penalty may include retribution (*qisas*).

2.1.6. *Law on Discretionary Punishments and Preventive Measures, Approved in 1996*

Crimes related to construction are generally considered non-intentional due to their nature. However, this does not mean that, in cases of unintentional crime, the perpetrator is only sentenced to pay blood money without facing criminal liability. Article 616 of the Law on Discretionary Punishments and Preventive Measures stipulates that for involuntary manslaughter due to negligence, in addition to blood money, the law explicitly imposes imprisonment. According to this article, if involuntary manslaughter occurs due to recklessness, negligence, incompetence in performing a task, or failure to observe regulations, the perpetrator shall be sentenced to imprisonment of one to three years and payment of blood money if requested by the victim's heirs, except in cases of absolute error.

2.1.7. *Labor Law, Approved on November 20, 1990, by the Expediency Council*

Article 105 of the Labor Law states that if, during an inspection, a labor inspector or occupational health expert determines that there is a risk of an accident or danger in the workplace, they are required to immediately and in writing notify the employer or their representative and their immediate superior. According to the first note of this article, the Ministry of Labor and Social Affairs and the Ministry of Health and Medical Education must, based on the inspectors' or health experts' reports, request the local public prosecutor's office or, in the absence of a prosecutor, the local general court to issue an immediate order to shut down and seal all or part of the workplace. The prosecutor must promptly issue this order, which becomes enforceable upon notification. Enforcing this article requires reports from labor inspectors or health experts, and without such reports, the prosecutor cannot intervene or close the workplace.

2.1.8. *Criminal Procedure Code, Approved in 2013*

Chapter One of Section Four of the Criminal Procedure Code, approved in 2013, addresses the duties and powers of investigating magistrates. Article 114 of this code prohibits the suspension of all or part of commercial, agricultural, workshop, factory, company, and similar activities unless there is reasonable evidence and proof that continuing these activities would involve the commission of criminal acts detrimental to public health, security, or order. In such cases, the investigating magistrate must, with the prosecutor's knowledge, prevent the continuation of these activities and document the evidence in their decision, which can be appealed in criminal court within five days of notification. This law allows the prosecutor's office to intervene and stop construction activities if there is evidence of a crime. However, as indicated by the legal terms, intervention requires reasonable evidence and proof that continuing the activity would constitute a crime. Additionally, addressing construction violations, such as building without a permit, falls under the jurisdiction of the Commission of Article 100 of the Municipality Law, not under this article's scope, making broad interpretations of the law and intervention challenging.

3. **Possibility of Judicial Intervention in Construction-Related Violations**

The question arises whether building violations can be prosecuted under current laws. Is there a possibility for judicial authorities to intervene and prosecute perpetrators as violators of public rights? For the prosecution office to act as an investigative and prosecutorial body, there must be justifiable grounds to initiate an investigation. A complaint from an aggrieved party is one of the most common grounds for initiating investigations. Once a complaint is filed and referred to the investigating authority, grounds for prosecuting the perpetrator are established. Another basis for investigation and prosecution is reports from law enforcement officers. The prosecutor, as a public advocate, will act upon receiving reliable reports from officers to protect public rights. However, it is crucial to note that, under the principle of legality in crimes and punishments, the prosecution office can only begin proceedings if the act is legally defined as a criminal

offense. The Iranian legislature's approach to construction-related issues is non-criminal, as most are classified as violations rather than criminal offenses, meaning that the potential danger of these acts is not criminalized but defined as a violation under the law. Furthermore, many construction-related issues involve omissions, and perpetrators are considered violators for failing to comply with regulations. Therefore, under the principle of legality and Article 2 of the Islamic Penal Code of 2013, judicial intervention in construction matters as a criminal offense is not possible. Judicial intervention only occurs when failure to observe regulations results in harm to life or physical injury, in which case the response to construction-related crimes would be treated as involuntary manslaughter, with penalties such as blood money, fines, or imprisonment, if negligence is proven. However, these punishments are not for the crime of construction violations per se but for the harm and damage caused by non-compliance. The main issue is that the prosecution office lacks preventive tools for construction-related crimes and can only prosecute if an offense occurs due to regulatory non-compliance, and the violation directly contributes to the crime.

3.1. *Role of the Private Complainant in Construction-Related Prosecution*

According to Article 10 of the Criminal Procedure Code of 2013, a victim is defined as someone who suffers harm from a crime, and if they request the prosecution of the offender, they are called a "complainant." If they seek compensation for damages, they are termed a "private plaintiff." As previously stated, mere construction violations cannot be prosecuted under the principle of legality, meaning a complainant cannot pursue a perpetrator for a construction violation. In other words, if a complainant files a complaint related to construction violations, judicial authorities cannot prosecute the perpetrator since the act is not considered a crime. A complaint only triggers the prosecution office's investigation if the construction violation causes physical harm or injury or, in rare cases, violates the complainant's legal rights. If this is the case, the perpetrator will be prosecuted, and if a causal relationship and negligence are proven, they may be sentenced to non-intentional penalties, such as paying blood money, fines, or imprisonment. Construction

violations resulting in harm to individuals' physical or bodily integrity or the deprivation of their legal rights are treated differently. Some construction violations harm individuals physically, while others deprive them of rights. For example, increasing building density may disrupt urban or rural order, block sunlight from neighboring buildings, or cause similar disturbances. Under legal conditions, a claim of obstruction of rights may be pursued. However, for excess construction affecting urban order, the competent authority is the Commission of Article 100 of the Municipality Law. Therefore, in construction violations, the term "victim" does not apply, and a complainant's complaint is only considered if the violation causes bodily harm or deprives the complainant of rights that are recognized as criminal offenses under the law.

3.2. *Prosecution of Construction Law Violations by the Public Prosecutor*

In Iranian law, the public prosecutor acts within a legal framework concerning construction violations. For crimes against individuals' bodily or physical integrity, investigations are initiated upon receiving complaints from victims or their heirs or reports from law enforcement. Additionally, the prosecutor defends national and social rights by acting on reports or complaints about unauthorized construction, illegal land encroachments, damage to public property, destruction of cultural and historical sites, deforestation, construction near gas or water pipelines, and activities near roads or railways. The prosecutor's office can intervene based on reports from official bodies such as labor inspectors, municipal authorities, fire departments, environmental agencies, natural resource officers, and protection forces from the National Land and Housing Organization, the Roads and Railway Administration, among others. However, the specialized nature of construction issues and the lack of explicit legal provisions criminalizing these actions often prevent the prosecutor's office from effectively addressing and combating construction-related violations. In many cases where the law permits prosecution by the public prosecutor, the failure of supervising engineers, municipalities, and fire departments to report violations hinders judicial intervention. Consequently, the judiciary cannot effectively prevent construction-related offenses.

4. Weaknesses in Construction-Related Laws

An examination of the laws and regulations related to construction reveals certain deficiencies. These shortcomings pertain partly to the structure and dispersion of the laws and partly to the absence of appropriate criminal regulations.

4.1. *Structural Deficiencies in the Laws*

Most construction regulations in Iran date back to before the Islamic Revolution and have not been updated to meet the growing needs of society and increased construction activities. Furthermore, the authority of the Commission of Article 100 in handling building violations limits judicial intervention in construction matters. This Commission, which includes a judge and has a quasi-judicial nature, issues binding rulings. However, in practice, it has not served as a deterrent structure to resolve construction violations effectively. The Commission's limited enforcement options, mainly demolition or fines, often result in fines being imposed instead of demolition, which encourages repeated violations and indicates insufficient enforcement measures against construction violations (Ashe'a Sha'ar et al., 2025).

4.2. *Lack of Criminal Laws for Construction-Related Issues and Violations*

Currently, actions like unpermitted construction, unsafe building practices, and failure to comply with regulations and codes are not criminalized, and no criminal penalties are provided to counter these behaviors. They are not recognized as standalone crimes in the Islamic Penal Code. For the judiciary to intervene in these offenses, a distinction must be made between violations and crimes. Acts that pose a significant risk of damage and violate urban planning and safety regulations, potentially causing irreparable harm to individuals and society, should be criminalized, and their enforcement should be entrusted to the judiciary. On the other hand, behaviors that do not endanger society or individuals significantly but only violate urban planning regulations should remain classified as building violations and fall under the jurisdiction of the Commission of Article 100. Although the legal weaknesses in building regulations are evident, revising these laws and distinguishing between criminal actions and violations, along with the continued role of

the Commission of Article 100, could address societal needs in construction matters. This would enhance the deterrent effect of judicial prosecution while preserving the specialized and experienced role of the Commission. Without such provisions in Iran's criminal laws, the principle of legality prevents prosecuting violators, and other measures lack sufficient deterrence. Therefore, under current conditions, the judiciary, particularly the prosecution office, cannot be expected to respond adequately to public demands in this area.

5. The Need for Preventive Measures as Public Policy

Criminal policy is part of a broader public policy framework that involves high-level state authorities, not just judicial and police organizations, in its planning and implementation. In Iran, a developing country, the lifespan of buildings is shorter compared to advanced nations. Many structures in major cities, including 3,200 hectares in Tehran where 15% of the population resides, have been reported as hazardous due to their deterioration. Preventive measures, such as public education, awareness campaigns, and allocating funds for the renovation and rebuilding of dangerous public structures and homes of financially disadvantaged individuals, along with an active judiciary, could help prevent future incidents ([Azimzadeh Ardebili & Hesabi, 2011](#)).

6. Conclusion

Current Iranian criminal laws do not recognize construction-related offenses as criminal acts. Although, before the Islamic Revolution, the Bylaw on Violations, approved on August 13, 1945, under Article 276 of the General Penal Code of 1925, stipulated short-term imprisonment and fines for constructing buildings overlooking streets without a permit, this provision was limited to the lack of a building permit. Additionally, in exceptional cases, some laws imposed criminal liability, fines, or imprisonment for specific construction-related actions. However, criminal laws should remain within their proper domain, and a distinction must be made between violations that result in fines or imprisonment and crimes deserving punishment. The latter requires the prosecution office to investigate and prosecute offenders. Awareness of the criminal nature of actions and the deterrent effect of prosecution, based on the

principle of certainty, disrupts the calculations of offenders and deters such behaviors. Yet, the current enforcement measures, limited to the decisions of the Commission of Article 100 and their weaknesses, not only lack deterrence but also encourage calculated violations, where perpetrators assess risks and choose to violate regulations intentionally for potential gain. Therefore, the Commission of Article 100 of the Municipality Law, which addresses these violations, is ineffective in preventing them.

The Islamic Penal Code mainly addresses compensating damages, while laws on crimes against bodily integrity, found in the Discretionary Punishments, do not provide adequate prevention, merely reacting to incidents. The Law on Discretionary Punishments and Preventive Measures, approved in 1996, aims to preserve public order and societal welfare by imposing penalties such as imprisonment, fines, business closures, license revocation, social rights deprivation, and enforced residence. However, it does not address unpermitted construction or unsafe building practices, nor does it penalize general regulatory violations.

Despite efforts by the Judiciary, through the General Inspection Organization as a supervisory body, to monitor negligence and misconduct in various sectors, especially municipal regulations on construction, recent regulations and instructions highlight legislative gaps in the Islamic Penal Code. Due to these gaps, the Judiciary has intensified oversight, similar to the approach of the Council for the Protection of Public Property in land and natural resources.

In the author's view, supervisory instructions cannot effectively prevent or address widespread violations, as these instructions are directed at institutions tasked with fulfilling legal duties across various fields without sufficient resources to combat the scale of violations. Furthermore, one key factor in deterring offenses is the offender's awareness of legal enforcement, which is not adequately addressed by these instructions. The most effective preventive tool is legislating specific offenses in criminal law, although careful drafting is necessary. Empowering the prosecution office to investigate and prosecute offenses comprehensively can yield positive outcomes. Without criminal provisions, the judiciary remains limited to prosecuting individuals after incidents occur, incapable of preventive action. Society

expects at least a minimum level of order and protection from dangerous construction practices.

Considering the current needs and the scope of illegal construction behavior in urban and rural areas, construction-related crimes should be criminalized and incorporated into the Islamic Penal Code. A comprehensive building safety database should be created to protect human life, assessing each building's lifespan and resistance to natural disasters, documented in a record accessible to the Fire Department, Crisis Management Organization, and the public prosecutor's office. The Fire Department, acting as an operational arm, should report non-compliant buildings to authorities. Criminalizing certain construction-related actions, with societal and public welfare in mind, would facilitate crime prevention, empowering prosecution offices to act decisively. Immediate actions, such as halting construction or removing hazards, should be taken based on reports from law enforcement. Subsequent prosecution, investigation, and engineering evaluations should give violators a specific timeframe to comply with safety regulations or face demolition or mandatory safety improvements as recommended by the Fire Department and building engineers. Failure to comply should result in arrest, and cases should be referred to court for violations of safety standards and other criminalized offenses. Effective judicial measures will deter future violations, gradually instilling rule-based behavior in society and achieving the criminal policy objectives through proper legislation.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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