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A Comparative Study of the Method of Determining and Paying Compensation in Land Acquisition for Public Projects in Iranian and French Law

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the third paragraph of the Introduction, the methodological sentence “Data were collected through the study of documentary and library sources, including laws, regulations, judicial decisions, books, and specialized articles” is useful but methodologically incomplete. The author should explain the selection criteria for legal texts and judicial decisions, the temporal scope of the examined materials, and the rationale for choosing the specific Iranian and French cases cited. A comparative legal study requires methodological transparency regarding why certain judgments were treated as leading authorities.

In Section 2, paragraph 1, the sentence “This legal institution, rooted in the fundamental principles of public law, has always been situated between two conflicting values” provides a strong theoretical opening, but the paragraph repeats ideas already stated in the Introduction. The author should reduce conceptual repetition and use this paragraph to define the theoretical framework more rigorously, perhaps by distinguishing between constitutional protection of property, administrative necessity, distributive justice, and compensation as a corrective mechanism.

In Section 2.1, paragraph 1, the sentence “This legal institution… reflects a special authority granted by the legislature to executive bodies” should be refined to distinguish between acquisition by agreement, compulsory acquisition, expropriation, confiscation, and nationalization. These concepts are not legally identical, and using them as near-equivalents may weaken the precision of the analysis. The article should clarify which forms of state interference with property fall within the scope of the study and which are excluded.

In Section 2.1, paragraph 1, the discussion of Article 47 of the Iranian Constitution and Article 31 of the Civil Code is relevant, but the paragraph should also address the relationship between constitutional protection and statutory exceptions more

analytically. The sentence "Therefore, the primary rule is the impossibility of interfering with another person's property" should be followed by an explanation of how necessity, public utility, and statutory authorization operate as exceptions to this rule in Iranian administrative law.

In Section 2.1.1, the sentence "the legislature has used various terms such as 'acquisition,' 'compulsory purchase,' 'confiscation,' and 'appropriation,' which… all express a general concept" needs revision. "Confiscation" often implies punitive or non-compensatory deprivation, whereas compulsory acquisition for public projects is normally compensatory. The author should avoid conceptual conflation and specify whether confiscation is being used descriptively, historically, or technically within Iranian law.

In Section 2.2.2(a), the discussion of the principle of public interest states that the Administrative Court of Justice has provided criteria such as "usefulness," "necessity," and "absence of a more appropriate alternative." This is an important claim and should be supported by specific judgments or at least a clearer indication of the judicial basis. The article should not present judicial criteria as settled doctrine unless it demonstrates their recurrence in case law.

In Section 2.2.2(d), the sentence "in Iranian law, although the legislature emphasizes 'simultaneous' or 'prior' payment of compensation, this principle is not always observed in practice" is one of the article's strongest claims, but it needs empirical or jurisprudential reinforcement. The author should provide examples of delayed payment, judicial responses to delay, or administrative causes of delay. This would make the critique of the Iranian system more evidence-based.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In Section 2.1.1, the quotation from Article 1 of the 1979 Law on the Method of Purchase and Acquisition is central to the article, but the analysis should clarify the legal consequences of failed agreement between the executive body and the owner. The sentence "in the absence of agreement, through the competent authorities" should be unpacked by identifying those authorities, the procedural steps that follow disagreement, and the role of official experts or commissions in determining value.

In Section 2.1.2, the paragraph on French law states that "Article L.1 of the French Expropriation Code… defines expropriation" and then links it to three key elements. This is a strong comparative point, but the article should be more careful with institutional terminology. It should distinguish between the Conseil constitutionnel, Conseil d'État, Cour de cassation, and ordinary expropriation judge, because each has a different function in reviewing public utility, legality, and compensation.

In the comparative paragraph following Section 2.1.2, the sentence "in Iranian law, the legislature initially emphasizes the 'owner's consent' and permits compulsory acquisition only in the absence of agreement, whereas in French law, the compulsory nature of expropriation is accepted from the outset" is analytically valuable. However, the article should examine whether this difference is substantive or procedural. In practice, Iranian "agreement" may occur under administrative pressure, so the author should discuss whether consent is genuinely voluntary or merely a preliminary step before compulsory valuation.

In Section 2.2, paragraph 1, the discussion of jurisprudential rules such as "no harm and no reciprocating harm" and "liability follows benefit" is appropriate, but it should be integrated more directly into the legal argument. The paragraph should explain whether these rules operate as interpretive principles, independent legal bases for compensation, or merely doctrinal support for statutory compensation. This distinction is necessary for a scientific legal analysis.

In Section 2.2, the sentence "the European Court of Human Rights… has emphasized that compensation must have a 'reasonable relationship of proportionality' to the value of the property" introduces an important supranational dimension. However, this part should clarify that the European human-rights standard does not always require full market-value compensation in every case, depending on the public-interest context. The manuscript should avoid presenting European case law as identical to the French domestic principle of full compensation unless it carefully explains the doctrinal relationship.

In Section 2.2.1, the list of philosophical foundations is useful, but the fourth item, "The human rights theory," is underdeveloped compared with the others. The sentence "the right to property is recognized as one of the fundamental human rights" should be supported by a more precise explanation of how human-rights protection affects compensation standards,

procedural safeguards, access to court, and proportionality review. Otherwise, this theoretical foundation remains declarative rather than analytical.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.
Editor in Chief's decision: Accepted.