

Research Paper

Analysis on Balanced Development of Water Areas in Iran with Emphasis on Criminalization of Unauthorized Use of Water Resources

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Abstract

Regarding this point that underground water sources play a significant role in providing water for agriculture and drinking needs and living of people in many parts of the country depends on these sources are in a great danger because the owners of allowed-wells are trying to use the sources over allowed capacity from the country aquifers and also there are people who are using unauthorized well. The environmental crimes related to water are of the fourth rank of International criminal activities and the first, second 'and third rank goes to drug dealing forging and human trafficking respectively. The finding of the study based on analytical and descriptive method as well as data collection shows that the judicial policy and planning related to those crimes of water which directly affect the human beings life and health are of enough speed to deal with crimes as well as issuing verdicts and execution .But there is neglection and also lack of responsibility in prosecuting the crimes which have indirectly effects on people's life and health.

Keywords: Water safety, Development, Balanced, Water judicial measures, Criminal and non-criminal enforcement of water.

Extended Abstract**Introduction:**

There is an increasing need for human beings from one hand and the shortage of water in drylands from other hand, and this problem causes an increasing use of water specially the underground water resources. There would be sever water crisis if we cannot manage the use of surface water resources properly which can bring social, economical , and political consequences with itself . The total area of Iran is 165 million acres and only a bout 37 million acres are suitable for farming. water resources constraint makes is hard for farming and 8 million acres of lands are under water cultivation , The rest are 6 million acres of dry farming and about 4 million acres of fall cultivation. The agricultural, environmental , social , economical , and legal criteria should be considered in order to provide a better cultivation as well as proper management .There is also and idea that a proper planning of water resource management can save more than 50 percent of water.

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Water resources management and development act like a dynamic factor in investment , planning , and creating environmental facilities for utilizing water resources, has been stabilised for so many years and its main focus is on development of water resources, environmental, legal, and organizational topics. Regarding this point that underground water sources play a significant role in providing water for agriculture and drinking needs and living of people in many parts of the country depends on these sources are in a great danger because the owners of allowed-wells are trying to use the sources over allowed capacity from the country aquifers and also there are people who are using unauthorized well. The environmental crimes related to water are of the fourth rank of International criminal activities and the first, second 'and third rank goes to drug dealing forging and human trafficking respectively

The main problem which the researcher are trying to find an answer for it the researchers are seeking answer for the main problems and they are as follows:

1. To some extend the judicial policy of Iran is in line with the legislative policy, aims, and the needs for the protection of water resources?
2. "To some extend Iran judicial policy is the priority of the judiciary"?
3. "How is the cooperation of judiciary system with other organizations and executive agencies by regarding the sustainable development?

Methodology:

The research method is a descriptive – analytic one, using library resources such as books, document, rules, judicial and non – authorities, votes, and circulars issued by the authorities. The method of research is as follows: This research uses a qualitative- hybrid way which consists of documentary study method as well as qualitative content analysis. All legal documents and circulars used in judicial practice by judges in dealing with environmental crimes have been investigated in the document study section. All documents, Articles, and circulars which are the basis of judicial procedure in dealing with environmental crimes have been studied in the section of documentary study. Some cases related to the investigations of Fars province jurisdictions and non-jurisdiction authorities have been studied in the qualitative content analysis section.

Results and discussion:

Development is a comprehensive, economical, social, cultural, and political process. Whose aim is the improvement wealth of the whole society. But in order to confine the development, an organization named development take from the human rights and environmental right has been made and is recognized and protected by the world society. Is some case like water pollution, giving enough authority to In criminal law, mass scattering is basically in the fields of water resources protection and specially underground waters. If we want to execute the law, first we should give enough power to relevant authorities, such as EPA and the ministry of to do necessary inspections, sampling, and have sufficient care equipment's. Which the huge and smaller units are working properly, those units which should be assessed by environmental standards; they should install momentum monitoring systems (online) and send the data (information) to Environmental protection agency in order to prevent air pollution. The issuance and extension of operating license is closely related to the execution of this issue. (Clean air act 1396).

This method should be used for water and its resources which are polluted with a focus on the responsibility of one organization instead on distribution across multiple organizations. This can be used for other elements of nature. Inconsistency of rules not only shows the lesser sensitivity of government and parliament but it seems that the aforementioned forces instead of predicting future behavior of abusers for these crimes and trying to preventing them , are waiting for misbehavior and trying to deal with them after happening. They have happened. Inconsistency of rules, and doubtful legislation, or long –term regulatory legislation make it possible for dissemination of judicial procedure to happen. Extension aggression to the environment is the result of this kind of disorder , Adopting specialized and comprehensive laws inspired by local and universal strategies of protecting the environment can be very impressive.

We should say that environmental victim is a human being or any other creature which is harmed by deliberate or careless behavior of others.

Conclusion:

The notion of environmental victimization defined by regarding human interest and harm to human. Regarding the above mentioned statements, with respect to the effects of these crimes, and study of environmental rules we can say that Iran criminal judiciary policy is affected by the crimes related to water which can directly affect the human health and life with focusing on speed up in prosecution until trial and criminal response and is a priority for judicial review.

