



CRIMINAL POLICY OF ISLAM AND THE POSITION OF IRAN'S CRIMINAL LAW ON FOOD RIGHTS VIOLATIONS

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Abstract

Islam has paid special attention to rights to food and food health in such a way that its importance is mentioned in more than 300 verses of the Qur'an, and in addition to that, numerous traditions of the Infallible Imams indicate this issue, and on the other hand, the important place of food rights in Iran's criminal law system has not been neglected. According to this, in the current research, the main issue is based on the investigation of how the criminal policy approach of Islam and Iran is evaluated concerning human rights to food. Researchers have explained the problem with a descriptive and analytical method, and the most important results obtained indicate that in numerous verses and traditions, the right to access sufficient and nutritious food, healthy food, and halal (permissible) and pure food is emphasized and stipulated that these food rights are rooted in human rights and their violation is not allowed under any title and it is prohibited by the Holy Sharia with titles such as dissimulation, subreption and extravagance (dissipation) with the determination of worldly and hereafter punishments, and in parallel with criminal exposure to secure and maintain human rights to food, numerous preventive measures have also been introduced. To guarantee the right to food health, Iran's criminal policy foresees physical punishments up to various degrees of imprisonment, and fines, which the latter part is not a deterrent due to its insignificance, while the development of technical preventive measures has been forgotten.

Keywords: Criminal Policy, Food Health, Rights to Food, Preventive Measures, Punishment

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1- Introduction

Food security refers to the conditions and circumstances, in which people, especially the poor, have the necessary access to sufficient and healthy food to meet their food needs without any special problems (Bin Sawad, 2021). Food rights, including food security, with its elements such as availability, proper use of food, and continuity in consumption, are emphasized in Islamic sources as inalienable human rights. And in many verses such as verse 172 of Surah Al-Baqarah, it is stated: *“O' believers! Eat from the good things we have provided for you and give thanks to God if you worship Him alone”*, and in verse 51 of Surah Muminun (The Believers), this issue is emphasized addressing all the prophets: *“O you messengers! Eat pure and halal foods and engage in good and righteous works, for I am aware of what you do”*.

Amir al-mu'minin Ali (a.s) - Rabi ibn Ziyad al-Harithi said to him: O' Amir al-mu'minin, I want to complain to you about my brother 'Asim ibn Ziyad. Amir al-mu'minin enquired: What is the matter with him? al-Harithi said: He has put on a woolen coat and cut himself away from the world. Amir al-mu'minin said: Present him to me. When he came, Amir al-mu'minin said: O enemy of yourself. Certainly, the evil (Satan) has misguided you. Do you feel no pity for your wife and your children? Do you believe that if you use those things which Allah has made lawful for you, He will dislike you? You are too unimportant for Allah to do so... God addressed the believers like prophets and said: *“O' believers! Eat from the good things we have provided for you”*. (Tafsire Ahl-e-Bayt (a.s), vol. 1, p. 796; Bihar al-Anwar, vol. 42, p. 173)

And according to Islamic sources, Iran's laws have paid special attention to this issue, and since providing food security is directly related to the general order of societies, governments are trying to fulfill this duty well. Food security in international documents, including Article 11 of the 1966 United Nations Convention on Social, Economic, and Cultural Rights, emphasizes a level of standard living, including in the area of food security and adequate food supply. The research aims to examine the mechanisms of providing and guaranteeing rights to food and food security for humans and whether the Iranian legislature has been able to support these rights to food well in accordance with the criminal policy of Islam or not. Researchers will first study and analyze rights

to food and food security within the framework of Islamic criminal policy with a descriptive and analytical method and then will explain the issue under discussion in Iran's criminal policy in two parts, criminal punishment, and preventive measures.

2- Food rights in Islam

In this part, we will discuss the verses related to food rights, then we will examine the hadiths and traditions in this regard, and finally, we will mention the views of the Islamic jurists on food crimes.

2-1- Food rights in Islamic sources

The rights to food are extremely important in Islamic sources. Therefore, by referring to the Quranic texts, it can be seen that more than 300 verses refer to this issue (Qurashi, Ali Akbar, Qamoos Qur'an, Tehran, Darul Kutub Al Islamiya Publishing House, vol. 4, 1975, p. 257). In the mentioned verses, words such as food, nutrition, drinking, etc. are mentioned in the field of food health. Islam has recommended the use of good and halal food for human health in both mental and physical dimensions, among other things God says in verse 172 of Surah Al-Baqarah: *“Eat from the good things we have provided for you and give thanks to God”* and in verse 51 of Surah Muminun (The Believers), God says: *“O you messengers! Eat pure and halal foods and engage in good and righteous works, for I am aware of what you do”*. Therefore, God has ordered people to eat pure foods and to do righteous deeds (Xuan, et al., 2022). In line with emphasizing the right to healthy food, it is stated in verse 88 of Surah Al-Baqarah: God has set divine sustenance for humans and said to them to eat pure and good foods and fear the [wrath of] God. On the other hand, God has forbidden humans from using unhealthy foods and considered them as forbidden and haram foods. For example, it is mentioned in verse 145 of Surah Al-An'am: *“Tell them (O Muhammad!): 'I do not find in what has been revealed to me anything forbidden for anyone who wants to eat unless it is carrion, outpoured blood and the flesh of swine, all of which is unclean; or that which is profane having been slaughtered in a name other than that of Allah. But whosoever is constrained to it by necessity (neither desiring to disobey nor exceeding the limit of necessity), your Lord is surely all-forgiving, all-compassionate”*.

Carrion, blood, and flesh of swine are forbidden for humans. With careful consideration in the

aforementioned verses, food safety is considered one of the human rights, and healthy nutrition leads to the exaltation of the body and soul, and in most of the verses related to food health, in addition to emphasizing this right for humans, it is further ordered to be grateful to God and practice divine piety.

In addition to the Qur'anic verses, several traditions of the infallible imams (a.s) have emphasized the human right to food. It is narrated that a person came to the Holy Prophet of Islam (pbuh) and said, I would like that God answers my prayers. The Prophet (pbuh) replied: You should acquire pure and good (halal) foods and use them and avoid eating unhealthy and forbidden (haram) foods (Hur Aamili, Muhammad ibn Hossein, *Bitā, Wasa'il al-Shi'a*, Volume 7, Chapter 67, Hadith 5, Beirut, Dar al-Ahya al-Tarath al-Arabi, p. 545).

Imam Baqir (a.s) said: When Hazrat Ali (a.s) was in Kufa, he would leave Darul 'Imara every day and visit each market of Kufa, one after another, and tell the sellers to practice piety and give healthy food to the people and anyone who cheated in food was punished with a whip called al-"Sabibah" (Kulayni, Muhammad ibn Ya'qub, *Al-Kafi*, Volume 5, Darul Kutub Al Islamiya, Third Narration, 1365 AH, (1945-1946 AD), p. 6).

In the sayings of the Prophet (PBUH), healthy food is also emphasized. The Prophet (pbuh) visited the food storage and observed that the said food is exposed to moisture, and in terms of medical science, it contains bacteria and fungi. The Prophet (pbuh) asked about its cause. The owner of the warehouse replied that it was the result of rain falling on it. The Prophet said: Then why was it not covered when it rained? Then he said, whoever betrays is not one of us (Al-Katani, Abd al-Hay, *Al-Tarbit al-Edariyyah*, Volume 1, p. 258). According to Islamic sources, an institution called Hasba was formed during the time of the Prophet (pbuh) to establish food security and respect the right to healthy food (Sarami, Seifollah, *Hasba*, a governmental institution, Qom, Islamic Propaganda Office, first edition, 1998, p. 44). In the implementation of the mentioned institution, it can be assumed that the Discretionary Punishments Organization in the Islamic Republic of Iran is an example of that institution.

In jurisprudential texts, healthy food is rightly emphasized and it has been emphasized that the baker should keep the flies away from that place

with a fly whisk, and the Islamic ruler should control so that they do not cheat while baking the bread, and they should not use unhealthy additives to sell as much as possible, and before the bread dough is ready, it should not be baked, because it causes problems in the stomach and digestion.

Also, God said in Surah Quraysh: "(1) Since the Quraysh became accustomed, (2) accustomed to the journey of winter and summer, (3) therefore, let them worship the Lord of this House; (4) Who fed them against hunger, and secured them against fear".

To bless the Quraysh (to this land, we destroyed the army of elephants to be a prelude to the emergence of Islam). Their salvation in winter and summer journeys. So (in gratitude for this blessing), they should worship the lord of this house; the one who saved them from hunger (and famine and) fed them and saved them from fear (of the enemy).

He has saved people from hunger and freed them from insecurity and fear. By meditating on this verse, the importance of healthy food, the human right to food, and food security can be understood.

2-2- Crimes violating food rights in Islam

In the sources of Fiqh (Islamic jurisprudence), crimes violating food rights, including in the transaction section, have been dealt with, and the subreption in food, dissimulation, and the avoidance of extravagance are among those examples, which will be explained briefly.

Subreption in transactions, especially in the field of food, is condemned by Islamic law, and it means that if a person gives defective goods to others during the supply of goods and food, he is condemned and punished. Any change in food when it is presented to the people is called subreption (Abd Allah Mamaqani, *Manahij al-mutagen fi fiqh A'imat al-haqq wa al-yaqin*, Qom, Aal al-Bayt Institute, *Bitā*, Volume I, p. 370). Where subreption takes place, the food becomes defective and the seller hides it, and the food may be presented with a false appeal. In the contemporary era, as an example of subreption in food, we can refer to labels containing false information about the content and nature of food, which is affixed by suppliers on food containers; by giving false information, when consumers use those foods, they cause all kinds of diseases, and it is obvious that this type of transaction is prohibited by Islamic Sharia and is subject to punishment according to the case, and in case of

the consumer's death, there will be more severe punishment.

The Prophet (pbuh) said in a hadith: O people! Avoid dissimulation in transactions (Ansari, Morteza, Sharhe Makaseb, al-Ghadir publication, Qom, Volume II, p.530). Therefore, the sanctity of the said act is well inferred from the hadith of the Prophet of Islam (PBUH).

Dissimulation in food is one of the other prohibited things in Islamic criminal law and will be punished if certain conditions are met. Dissimulation in food appears and occurs mostly in the production stage, and the manufacturer causes food to become unhealthy by making changes in food raw materials to earn more money. According to Sunni jurists, a person who commits dissimulation in transactions and food is a transgressor. It is known that in addition to the main punishment, there is a secondary punishment, and that is the exclusion from testifying, and his testimony is not accepted (Amin ibn Umar, Ibn Abidin, Radd al-Muhtar ala ad-Dur al-Mukhtar, Beirut, Dar al-Fikr, Bita, vol. 4, p. 47).

One of the behaviors that cause a violation of food security is extravagance, and God forbids it in verses 31 of Surah Al-A'raf and 141 of Surah Al-An'am, saying, "*Allah surely does not love the extravagant*". The mentioned word has a general meaning and includes all forms of destroying healthy food, and the act is so ugly that God said that he does not love the extravagant people (Nasser, Makarem Shirazi, Tafsire Nemouneh, Vol. 4, 2002, 43rd, Dar al-Kotob al-Islamiyah).

It is obvious that according to the word "extravagance" to criminal titles, it is possible to consider the destruction of farms and gardens and the hoarding of food items that are spoiled due to hoarding as examples of extravagance, and some jurists have considered it a major sin (Sheikh Mohammad Hassan, Najafi, Javaher al-Kalam, v. 13, p. 313).

One of the concepts of extravagance is extravagance in actions and behaviors, even lawful and halal things, and God says in verse 31 of Surah Al-A'raf: "O Children of Adam! Dress well whenever you are at worship, and eat and drink [as we have permitted] but do not be extravagant: God does not love extravagant people. The mentioned verse indicates the prohibition of this behavior and God emphasizes that there should not be excesses in actions such as food in all its forms.

By examining and pondering verses 151 and 152 of Surah Al-Shu'ara, it can be concluded that extravagance has degrees and levels and according to this type of action, God has determined a punishment for it from not liking this behavior to the most severe punishment of the "corrupt on earth", because God says: "*And do not obey the command of the extravagant (151); those who work corruption on earth, and do not reform (152)*".

3- Criminal liability of violators of rights to healthy food and preventive measures against them

The rights to food safety are sometimes violated with intentional and malicious behavior. In this case, in addition to the above-mentioned civil liability, the criminal liability of the perpetrator is raised and the punishment is determined for the criminal by proving the crime (Shahmars & Valiev, 2022). To prevent losses and damages, punishment is not always the answer, but non-criminal preventive measures are important. Therefore, in this section, crimes committed and their punishment in the field of violation of food rights will be discussed and then preventive measures against those violations will be stated.

3-1- Crimes violating food rights

In this part, we first examine the crimes that target the right to food and the right to access sufficient food, and then we study the crimes that violate the right to food safety.

3-1-1- Crimes violating the right to food and the right to access sufficient food

Crimes violating the right to food and the right to have access to healthy and sufficient food are foreseen in numerous domestic and international criminal laws, such as the four Geneva Conventions. In the domestic dimension, the Law on Punishment of Disruptors in the Economic System of the Republic of Iran approved in 1990, has legislated in paragraph b of its article one the crime of disrupting the distribution of public necessities, which is considered a violation of the right to food and the right to access to sufficient food. This provision states: "Disturbance in the distribution of public necessities through overcharging of food or other public needs and major hoarding of food or the said needs and large pre-purchase of agricultural products and other products needed by everyone and their like to

create monopoly or shortage in supply them". The reason for sanctioning the above behavior is justified that these behaviors threaten people's food health to a large extent and cause disturbances in the economic order and health system of the country.

In this enactment, the legislator has supported the right to food and the right to access healthy and sufficient food by mentioning three metaphorical ways, which are overcharging, hoarding, and pre-purchase.

There is a possibility that overcharging will take place in the form of contracts such as sales, compromise, and trade-offs, and here the word is used in the general sense and includes all acquisition contracts (Siyahbidi Kermanshahi, 2018, p. 101).

Overcharging of food or other public necessities must be large to be included in this legal article, and it is in this case that it distorts the right to food and the right to access sufficient food and this prevents people from being able to provide the food they need. The opinion of Iran's legislative policymakers is based on the fact that if a person sells food or other public necessities at high prices, this crime will be realized. Regarding the concept and examples of food and general necessities, it should be said that the food used by people includes both edible and drinkable items.

The criterion of overcharging should not be limited to the supply of food more than the legally prescribed rate or the conventional rate. Even if the government sets unreasonably high prices for goods without a valid reason, the criminal liability of the government in this area will be raised, and today it can be investigated under the title of state crime.

The major hoarding of food or public necessities is another example that targets the right to food and the right to access sufficient food and violates human rights to food.

Hoarding means collecting food items such as wheat, barley, raisins, dates, etc., and keeping them to increase their price (Bahrani, B., p. 58). The law on intensifying the punishment of hoarders and overchargers approved in 1988 stipulates in paragraph A of article 1 that hoarding is the collection and storage of food that is needed and necessary by the public to increase the price. The definition of this legal provision is very close to the jurisprudential definition of hoarding. Also, the Law on Discretionary Punishments approved in 1988

considers hoarding to be the storage of goods in bulk with the recognition of the competent authority and refusal to sell them to overcharge or harm the society after the government declares the necessity of supply. The question that is raised in this regard is what is the definition of hoarding? It seems that according to the interpretation of the law in favor of the accused, the definition of the Law on Discretionary Punishments of hoarding should be considered as a criterion because the scope of hoarding in jurisprudence (Fiqh) is very wide.

Hoarding may be done by a natural person or a legal person, and in the latter case, the danger of the act will increase. Hoarding of people's necessary goods by profit-seeking and opportunistic people endangers food security, and therefore, a serious fight against it is necessary.

The criminal behavior of hoarding includes the material positive act of keeping in bulk, and the omission, which is a refusal to supply goods. This behavior is composed of the act of keeping and omission of refusing to supply the goods. The Philosophy of formation of hoarding from act and omission is not to interfere with similar cases. In society, some people are busy storing goods for sale under the title of wholesalers, therefore, if the mere storage of goods and food is considered a crime of hoarding, it causes undue hardship and disrupts people's livelihood. Therefore, the storage along with the refusal to supply must constitute the behavior of hoarding (Saki, 2013, p. 247). The mentioned method is consistent with the rule of exceptionality of criminalization.

Criminal pre-purchase is another example, that sometimes some people violate the right to food and people's right to access sufficient food by pre-purchasing agricultural products or other commonly needed products, thereby depriving people of their food rights. The legislator has supported the rights to the food of the people by criminalizing this behavior in the Law on Punishment of Disruptors in the Economic System of the Republic of Iran approved in 1990. Because pre-purchase food has caused a shortage in society and people are deprived of the right to food, it may be difficult to access healthy and sufficient food. Agricultural production is a comprehensive term that includes basic food items such as wheat, rice, and barley to a wide range of farmers' products such as carrots and vegetables.

The punishment for the aforementioned crime is provided in Article 2 of the Law on Punishment of Disruptors in the Economic System, which

ranges from the death penalty, confiscation of property, and whipping to a simple fine.

According to international documents, behaviors violating people's right to food and access to healthy and sufficient food are considered crimes against humanity, and it is possible to sue the International Criminal Court and the Security Council.

Economic sanctions ignore human rights to food, and in food sanctions, the right to life is taken away from people. Sanctions are often criticized by free people and it is considered a form of cruel collective punishment against human life, including the weak one.

Economic sanctions are the deliberate use of economic tools that aims to lead people to famine and deprive them of basic and essential goods for their survival, and the sanctioners want to deprive people of water, food, and sanitation so that they surrender to them. An economic sanction that leads to the destruction, transfer, or unusability of property that is necessary for human survival, is a behavior that violates the right to food. Therefore, destroying food or the means of its production, such as water facilities and reserves, and water supply systems, are considered examples of these criminal behaviors. Paragraph 2 of Article 54 of the First Additional Protocol to the Four Geneva Conventions also considers these behaviors as international crimes.

Closing roads and hindering their development are among the behaviors that violate the right to food and the right to access healthy food because the lack of development of transportation routes leads to hunger and death or defects in their existence. Today, unfair economic decisions in the form of economic sanctions have targeted the most basic human right, the right to food and the right to access to healthy food. Sanctions preventing the entry of raw materials in the field of food health, such as iodine, vitamins, and micronutrients, especially iron, into a country are considered crimes against women, children, and the elderly.

Measures such as increasing the price of the dollar, which weakens the purchasing power of the people, and decisions that disrupt the import and export, warehousing and storage of goods, as well as measures that lead to the closure of production units and unemployment of people, as well as the use of sanctions against other governments, are among the prominent examples of serious crimes violating the right to food and the right to access to sufficient food

(Esfandiari & Mirabbasi, 2018, p. 28). Interruption and obstruction of relief operations and embargo of medicines are among the mentioned crimes because they violate the aforementioned fundamental human rights. Cruel economic sanctions in the field of domestic criminal law can be placed under the title of corruption on earth and its punishment can be applied to the perpetrators.

3-1-2- Crimes violating the right to safe food

Foodstuffs include food and beverages that are regularly produced and consumed by people throughout the day, and the existence of living beings, including humans, depends on these substances. Some people, for various reasons, including profit-seeking, commit fraud in these materials in various ways, and this behavior endangers people's lives. Fraud in food means that the perpetrator knowingly violates the provisions governing the observance of the right to food safety, and any means, both material and spiritual, used in the execution of fraud is called a fraudulent means (Jafari Langroudi, 1994, p. 33).

Foodstuffs include meat products, grains and bread, food spices, food seasonings, dairy products, oil, sugar products, vegetable, fruit products, and beverages. Fraud in them changes their benefit-enhancing property and causes harm to humans, and therefore fraud in these substances causes a violation of the right to food safety. According to the multitude of harmful and reprehensible behaviors in the field of violation of the right to food safety, Iran's legislator has enacted various laws and regulations and criminalized them, and determined their punishment. According to Article 4 of the 1967 Law on Food, Beverage, Cosmetic and Health Products, using toxic substances in food, beverages, cosmetics, and health products and using unauthorized packaging materials is considered a crime and the perpetrator shall be sentenced to the maximum penalty stipulated in Article 2 of this law. If the manufacturer adds substances to the food products that lower their quality and possibly make them unusable, according to paragraph 2 of article 1 of the 1967 Law on Food, Beverage, Cosmetic, and Health Products, it is a crime. In this crime, the manufacturer usually adds things that violate food safety without changing the appearance of the food.

According to Article 688 of the Islamic Penal Code, the illegal killing of animals is considered a crime of threat to public health, if it is caused by

non-compliance with health standards. This behavior is a threat to people's physical and mental health because food is not prepared in a standard place and gets infected with diseases such as Crimean Congo Hemorrhagic Fever. In some cases, such as Crimean Congo Hemorrhagic Fever, it leads to the consumer's death.¹

According to Article 11 of the Law on Amendments to the Laws and Regulations of the Institute of Standards and Industrial Research approved in 1992, the illegal use of Iran's national standard mark is considered a material crime and entails imprisonment from 6 months to 2 years and a fine from 1 million Rials to 50 million Rials, which seems like a small fine. Based on articles 529 and 530 of the Islamic Penal Code (Punishment Section, 1996), inserting Iran's national standard mark without obtaining a legal permit is considered forgery. According to Article 9 of the Law on Amendments to the Laws and Regulations of the Institute of Standards and Industrial Research approved in 1992, inserting the national standard mark on special medical drugs, special containers for preparing food, drinks, and carbonated water, and cosmetics for human skin is required, and not complying with it is considered as a crime.²

In these laws, the legislative policymaker has determined the same punishment for the occurrence of criminal behavior with the act, omission, and maintenance, while their dangerous degrees are ranging from severe to weak, and in Ta'ziri (legal) punishments, the punishment should be considered according to the dangerous state of the perpetrator (Salehi, 2013, p. 20).

Most of the crimes related to food are predicted and the prohibition of behavior and the determination of punishment are not dependent on the realization of the result (Ardabili, 2014, p. 40). Crimes violating the right to food are considered absolute crimes in Article 1 of the Food, Beverage, Cosmetic, and Hygiene Law of 1967 with subsequent amendments (Younesi & Mirkhalili, 2011, pp. 1 and 9). The reason for this goes back to the importance of people's food health because food directly deals with human life and can make national security vulnerable, so it is logical for the legislator to fasten the society's safety belt and fight against

these harmful behaviors from the very beginning. Regarding intentional and unintentional crimes that violate the right to food health of the society, it should be said that Iran's legislative policymaker has followed a dual policy, and in most cases, the intentional behaviors have been criminalized, but in exceptional cases, wrongful behaviors have been also prohibited by the criminal law and punishment has been determined for them. In Article 16 of the 1967 Law on Food, Beverage, Cosmetic and Health Products with subsequent amendments, violation of human rights to food as a result of carelessness and recklessness has been criminalized. This legislator's approach is appreciated in terms of the importance of the health of the members of the society and is considered a preventive policy against crimes.

3-2- Preventive protective measures for health-based rights to food

Right to food, food security or access to healthy food, right to adequate food, and food safety or food health, are basic concepts in the field of human food health that may be violated by some people. In addition to punishment, preventive measures are needed to deal with norm-breaking behaviors. Therefore, it is necessary to prevent those crimes in the light of smart legal responsibility.

The right to food means that a person can have direct or indirect access to food that is appropriate in terms of quality and quantity and in accordance with the cultural conditions of a person in a stable and unrestricted manner, in a way that guarantees the health of his life in the mental and physical dimension and its provision is sufficient, appropriate and without worry (Foroghi, H., et al., 2014, p. 135). Respecting the right to food has a fundamental effect on improving the living standards of people in society and their survival, and hence it is considered an inherent human right. On this basis, the protection and defense of human rights to food in both criminal and preventive dimensions have always been considered by the legislative policymakers of the countries (Ibrahim Gol). Article 3 of the Veterinary Law of 1971 obliges the Iran Veterinary Organization to identify animals and contaminated sources to prevent the transmission of diseases, establish quarantine posts at the border and inside the country, and issue health

¹ - www.irna.ir/news/ir, 23/12/2013, news code: 82772551.

² - Cabinet decree of 23/04/1945.

certificates for livestock. When the food production companies are given the necessary training to meet the necessary standards in the combination of these ingredients, this model of measures, which is based on the individual's learning to protect the rights of others, is considered community-oriented preventive measures (Ebrahimi, 2011, p. 61). Although this is necessary, it is not sufficient. To prevent the violation of the right to food by natural and legal persons, including government, public and private, these persons are prohibited from carrying out a series of actions; for example, destruction of food sources such as agricultural lands, pastures, forests and changing their use and pollution of the environment, water, and soil are prohibited by the law and the natural resources police regularly monitor and control the behaviors to protect them, and this action is considered as one of the preventive measures against the violation of this fundamental human right.

Food security means ensuring the availability of food, which implies the fight against hunger. Food security is access to sufficient healthy and nutritious food, in other words, food security exists when all people at all times have physical and economic access to healthy and appropriate food at all times to meet their nutritional needs and food preferences for a healthy and active life (Ziegler, Jean, *The right to food*, Commission on human right, p.7).

Predicting educational and cultural programs to complete and continue preventive programs in the food supply chain and active factors in realizing its security, creating an information system and promoting food literacy, sanitary controls, an inspection of the import and export of goods at the entry points of the country using trained and pious employees are considered as the preventive measures (MohammadNasl, Gh., 2014, p. 20). Therefore, the aforementioned measures and the training of citizens to comply with food norms are considered technical and social preventive measures. As far as the mentioned preventive measures are concerned with protecting the target of crime, they are situation-oriented, and when they are aimed at improving human skills so that they do not commit crimes by meeting their needs, they are considered preventive social measures.

Food safety means guaranteeing the quality and health of consumed food, and in the term, means ensuring that the food is free from any physical, chemical, and microbial hazardous substances during all stages and operations of

production, processing, distribution, storage, and consumption. Nowadays, smart nano-technology methods are used to prevent food contamination with unauthorized additives. Article 1 of the 1988 Law on Organizations and Duties of the Ministry of Health, Treatment, and Medical Education has made it the responsibility of this Ministry to continuously take samples of food and conduct tests to ensure compliance with the formulation contained in the food manufacturing license. "Based on the National Nutrition Document, the Food and Drug Organization of the country is obliged to monitor food safety certificates such as ISO and IFS. Throughout the chain of food production and preparation, using nano-technology, the identification of toxins in food is pursued, and propitiate measures are taken to eliminate those toxins that are found or used in food. Nano-technology has an important application in identifying and designing the structure of enzymes (General Comment, No 12, The right to Adequate Food Committee Economic social and cultural right, 1999, P.1). Nano-technology has an important application in identifying and designing the structure of enzymes. Nano-technology can control the metabolism of enzymes by changing the structure and adding other active particles. Therefore, it is possible to control the activities of enzymes in this way (Rouviere & Latouche, 2013). This means ensuring that the food is free of any physical, chemical, and microbial hazardous substances during all stages and operations of production, processing, distribution, and storage until consumption, which endangers the health of the consumer. New technologies with the help of advanced knowledge in the field of nano-technology can lead to the prevention of the current situation in the field of food safety. Disinfecting and disinfecting surfaces related to food using nano-technology are considered as one of the technical preventive measures, in such a way that by moving the surface of the coating of the material, it can almost prevent the entry of any micro-organism or microbe into the food. This preventive measure is aimed at strengthening the purpose; therefore, if any person contaminates food, it will be detected by performing technical tests. Microbicides with nanoparticles and nano-droplets, such as vegetable oils and sieves, are environmentally friendly and harmless to human health (Rouviere & Latouche, 2013). The preservation of sensitive antioxidants such as vitamins A/D/E/K and omega-3 fatty acid has always been a key factor in preserving food. The use of nano-cavities can prevent the deterioration of such unstable materials during the process and

storage (Rouviere & Latouche, 2013).

To prevent the violation of the right to food safety which is done by contaminating it, the portable nano-sensors can be used to find harmful chemicals, pathogens, and toxins in food. With this smart food security method, there is no need to send food samples to the laboratory to determine the health and quality of products in farms and slaughterhouses. DNA chips can also be used to detect pathogens. This method can be effective in detecting harmful and different bacteria in meat or fish or fruit fungi. In this program, by expanding string micro-sensors, it is possible to detect fruit and vegetable pesticides as well as to control the environmental conditions of fields. This innovation is called Good Food sensors (Ernst & Young, 2002). With the advancement of nano-bio-neural-info technologies, food standard applications become widely specialized and diversified. People eat not for hunger but for health. The science of food standard nutrition is optimized. The general food market will stagnate or even decline in some sectors when more functional foods will boom in sales (May, 2007). Therefore, the technicality of preventive measures in this area is well evident. The 2009 Biosafety Law of the Islamic Republic of Iran was approved according to national and international regulations, and according to it, the government is obliged to examine transgenic products with the approach of releasing them from their risks and controlling their production, import, and consumption levels. And in addition to the technical testing of these products, it informs people about their possible risks (Sadeghi, 2019, p. 44).

Based on the above concepts, it can be said that preventive measures can be considered one of the most valuable measures in the field of protecting human food rights, which should be taken into consideration by the government, men, and companies, measures that can play a large role in food production.

Conclusions

Considering the related Quranic and narrative texts as well as Iranian criminal laws, it is concluded that the criminal policy of Islam and Iran regarding food security and human food health is summarized in the following axes:

1- Food health and human rights to food have been taken into consideration by the criminal

policy of Islam and Iran and have been given criminal and preventive protection, and modern criminal and preventive tools have been used in this matter.

2- In the same way that the violation of food rights, including the right to food, access to sufficient food, and food safety, is prohibited and sanctioned by the holy law of Islam, violating the aforementioned rights is also criminalized by the Iranian legislature and is in accordance with Islamic standards.

3- The titles of behaviors violating the food rights in Islam, such as dissimulation, subreption, and extravagance (dissipation), are in accordance with the criminal titles of overcharging, hoarding, and sanctioning in Iranian law, and the absolute criminal liability model is often used for criminalization.

4- In the criminal policy of Islam and Iran, to secure and guarantee human food rights, in addition to criminal measures, non-criminal preventive measures, both social and technical, are used, and the role of situation-oriented preventive measures is prominent, especially in the field of crimes related to food safety.

5- In the criminal policy of Islam and Iran, in the face of the violation of food rights, in the criminal dimension, punishments ranging from the death penalty to imprisonment and fines have been specified; although preventive measures have been not provided in a consistent manner in Iranian law.

6- The title of extravagance in the criminal policy of Islam is a general concept, part of which includes crimes violating food rights.

7- In Islamic sources, including verses and traditions, food health is mentioned under titles such as pure, halal, and good food, and it is considered one of the human rights. It is inviolable.

8- In the realm of criminal policy, Iran's legislature has supported food rights by criminalizing certain behaviors violating food rights, such as fraud in food, hoarding, wholesale overcharging, and pre-purchase of manufactured goods with malicious intent, and determining the punishment for these crimes ranging from deprivation of life (death penalty) and imprisonment to fines (money penalty); sometimes these violations will be an example of "corrupt on earth". And besides the criminal aspect, preventive measures have not been neglected, and among other things, nano-technology has been used in recent measures, but

more attention should be paid to the dangerous aspects of this technology.

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