

**How to cite this article:**

Mohammadi, M., Amiri, M., & Varasteh Bazghaleh, M. (2026). An Examination of Government Methods for Compensating Damage Resulting from Infringement of Public Rights. *Journal of Historical Research, Law and Policy*, 4(6), 1-15. <https://doi.org/10.61838/jhrp.258>



Article history:
Original Research

Dates:

Submission Date: 19 February 2026

Revision Date: 07 March 2026

Acceptance Date: 15 March 2026

First Publication Date: 12 July 2026

Final Publication Date: 01 November 2026

An Examination of Government Methods for Compensating Damage Resulting from Infringement of Public Rights

1. Mohsen. Mohammadi ¹ : Department of Law, Ki.C., Islamic Azad University, Kish, Iran

2. Mostafa. Amiri ² : Department of Law, Shi.C., Islamic Azad University, Shiraz, Iran

3. Mohammad. Varasteh Bazghaleh ³ : Department of Law, Pa.C., Islamic Azad University, Parand, Iran

*corresponding author's email: mostafaamiri@iau.ac.ir

ABSTRACT

The protection of public rights constitutes a fundamental component of constitutional governance and administrative accountability. When governmental actions result in harm to collective interests, the legal system must provide effective mechanisms to ensure compensation and restore normative equilibrium. This study examines the theoretical foundations, legal frameworks, and institutional mechanisms governing compensation for infringement of public rights within the Iranian legal system. Adopting a doctrinal-analytical methodology, the research draws upon constitutional principles, civil liability doctrine, administrative justice structures, and relevant statutory provisions to evaluate the scope and effectiveness of existing remedies. The analysis clarifies the conceptual distinction between public rights and private rights, emphasizing the collective and structural nature of harm in public law contexts. It further examines the civil liability of the state, including fault-based and objective liability approaches, as well as compensation arising from both unlawful and, in certain circumstances, lawful governmental acts. The study evaluates judicial mechanisms such as the Administrative Justice Court and civil courts, alongside administrative and legislative frameworks including supervisory bodies, statutory compensation schemes, and budgetary allocations. It identifies significant structural and procedural challenges, including institutional fragmentation, burdens of proof in collective harm cases, doctrinal ambiguities regarding the definition and standing of public rights, and weaknesses in enforcement and coordination. These challenges may limit the practical realization of compensation despite robust normative foundations. The findings indicate that while Iran's legal system provides multiple avenues for addressing damage to public rights, greater doctrinal clarity, procedural reform, and institutional coordination are necessary to enhance coherence and enforceability. Strengthening compensation mechanisms is essential not only for corrective justice but also for reinforcing the rule of law, public trust, and governmental legitimacy.

Keywords: *Public Rights; State Liability; Administrative Justice; Civil Liability; Government Accountability; Compensation Mechanisms; Rule of Law*

Introduction

The concept of public rights has gradually assumed a central position in contemporary Iranian legal discourse, particularly in the intersection between constitutional law, administrative law, and civil liability. While classical private law traditionally distinguished between individual rights and collective interests, modern constitutional developments have expanded the legal vocabulary to explicitly recognize public rights as rights belonging to society as a whole



© 2026 the authors. This is an open access article under the terms of the Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0) License.

and not merely to identifiable private individuals. In Iranian constitutional theory, the protection of public rights is rooted in the broader commitment to justice, equality, and the safeguarding of social interests, principles that reflect both constitutional guarantees and jurisprudential foundations in Islamic legal thought. Scholars have emphasized that public rights represent more than diffuse societal interests; they embody legally protected claims that the state is bound to respect and defend (1). This conceptual evolution parallels developments in comparative constitutional theory, where rights are understood not merely as defensive claims against the state but as normative principles shaping public authority (2). In Iranian doctrine, the emergence of public rights has been closely associated with the growing role of public prosecutors and supervisory institutions tasked with defending collective interests, a development analyzed in constitutional scholarship (3).

The increasing expansion of governmental powers in regulatory, economic, and administrative domains has intensified the interaction between state authority and collective interests. Modern governance requires active state intervention in areas such as environmental protection, public health, economic regulation, and urban development. However, the growth of administrative discretion and regulatory authority has also created greater risks of interference with public rights. Administrative law scholarship consistently underscores that the exercise of public power must remain subject to legal constraints and judicial review (4). Similarly, the doctrinal foundations of administrative law emphasize that public authorities derive their legitimacy from law and remain accountable to it (5). In the Iranian context, the expansion of executive and administrative functions has not always been accompanied by proportionate strengthening of accountability mechanisms, thereby increasing the likelihood of harm to collective rights (6). The theoretical underpinnings of the rule of law further require that all exercises of public power remain controlled and justified within a normative legal framework (7).

Rising instances of administrative overreach and regulatory misconduct have brought renewed attention to the vulnerability of public rights. Administrative decisions may generate widespread harm affecting communities rather than discrete individuals, such as environmental degradation, unlawful expropriation, or mismanagement of public resources. Comparative administrative law illustrates that unchecked discretion can undermine legal certainty and erode public confidence in institutions (8). Classical constitutional theory, as articulated in the tradition of Dicey, emphasized the necessity of limiting arbitrary governmental power as a core element of constitutionalism (9). In Iran, doctrinal discussions of governmental responsibility have increasingly recognized that violations of public rights cannot be adequately addressed through traditional private litigation alone (10). The institutional mechanisms designed to supervise administrative legality, including the Administrative Justice Court, have been tasked with safeguarding collective interests, yet structural limitations often hinder their effectiveness (11).

A central challenge in this field arises from the structural imbalance between sovereign authority and collective victims. When the state acts unlawfully or negligently in ways that harm public rights, the injured party is often not a single identifiable person but society as a whole. This diffuse character of harm complicates issues of standing, causation, and compensation. Civil liability theory traditionally revolves around bilateral relationships between injurer and victim, but public rights violations frequently involve multilateral and structural dimensions of harm. The general theory of civil liability developed in Iranian doctrine acknowledges the necessity of compensation where damage and unlawful conduct are established (12). However, when the injurer is the state and the victim is the public, the doctrinal framework must adapt to accommodate collective claims. Scholars have noted that governmental liability occupies a distinctive place within public law because it implicates both accountability and

sovereign immunity concerns (13). The tension between public authority and accountability reflects deeper jurisprudential debates about the authority of law itself, as theorized in legal philosophy (14).

The significance of examining governmental methods for compensating damage resulting from infringement of public rights lies in its direct connection to constitutional accountability. A constitutional order premised upon legality and justice requires not only the prevention of unlawful governmental action but also effective remedies when violations occur. The protection of public rights has been recognized as a constitutional function of oversight bodies and courts (3). Compensation mechanisms play a pivotal role in translating abstract constitutional commitments into tangible remedies. Without effective reparation mechanisms, the normative force of public rights risks becoming symbolic rather than practical. Administrative law theory stresses that remedies constitute an essential dimension of legality; rights without remedies are structurally deficient (15).

The relationship between compensation mechanisms and the rule of law is particularly significant. The rule of law demands that public authorities be subject to legal standards and that breaches of those standards generate enforceable consequences (7). The availability of compensation reinforces the principle that governmental power is not absolute but conditioned by legal responsibility. Comparative administrative law demonstrates that state liability regimes function as instruments for disciplining administrative behavior (16). In Iranian civil law, the principle that damage must be repaired is deeply embedded in doctrinal analysis of obligations and liability (17). Yet the translation of this principle into the public sphere raises complex institutional questions. The theoretical architecture of civil liability requires establishing fault, damage, and causation (18), but public rights infringements may arise even from lawful administrative acts whose social consequences generate collective harm.

Public trust and institutional legitimacy are closely tied to the effectiveness of governmental accountability mechanisms. When citizens perceive that public authorities can infringe collective rights without meaningful consequences, confidence in governance erodes. Legal scholarship has argued that accountability serves both corrective and expressive functions, signaling that the state remains subordinate to law (4). The procedural dimensions of accountability, including access to courts and clarity of legal standing, significantly affect the public's ability to seek redress (19). Public interest litigation has emerged as a potential vehicle for defending collective rights, though its doctrinal contours remain underdeveloped in Iranian law (20).

Despite growing scholarly attention to civil liability and administrative justice, a significant gap persists in the literature regarding compensation for violations of public rights as distinct from individual claims. Much of the doctrinal analysis in Iranian law has focused on bilateral private disputes or on the general theory of liability (21). Even where governmental responsibility is discussed, the emphasis often remains on individual victims rather than collective harm (6). Comparative scholarship similarly addresses administrative remedies primarily in the context of individual grievances (5). Consequently, the specific challenges posed by public rights violations—such as diffuse injury, collective standing, and systemic remedies—have not been comprehensively analyzed.

This study therefore seeks to address three central questions. What legal frameworks govern compensation for infringement of public rights within the Iranian legal system? What mechanisms does the government employ to repair such damages when collective harm occurs? Are these mechanisms sufficient, coherent, and enforceable in light of constitutional and administrative law principles? By articulating these questions, the article aims to provide a structured evaluation of the doctrinal and institutional architecture governing state responsibility for public rights violations.

Methodologically, this research adopts a doctrinal-analytical approach grounded in statutory interpretation, judicial precedents, and theoretical analysis of civil liability and public law principles. The study relies on constitutional provisions, the Civil Liability Act, and administrative justice frameworks as primary sources. The doctrinal structure of civil liability, particularly the relationship between unlawful conduct and compensable harm, provides an analytical foundation (12). Administrative law principles concerning judicial review and state accountability inform the evaluation of institutional mechanisms (8). The theoretical understanding of rights as normative principles shaping public authority further frames the analysis (2). By synthesizing constitutional theory, civil liability doctrine, and administrative law scholarship, the study seeks to construct a coherent account of governmental methods for compensating damage resulting from infringement of public rights and to assess their adequacy within the broader framework of the rule of law.

Theoretical and Legal Foundations of Public Rights and State Liability

A rigorous analysis of governmental methods for compensating damage resulting from infringement of public rights requires first a precise conceptual clarification of what is meant by “public rights” and how they differ from traditional private rights. In classical civil law doctrine, rights are typically understood as subjective entitlements belonging to identifiable individuals and enforceable through bilateral litigation. Iranian civil law scholarship has long emphasized the centrality of private rights within the structure of obligations and liability (21). Within this framework, the relationship between right-holder and obligor is individualized, and the harm suffered is generally personal and direct. However, public rights do not fit neatly within this bilateral model. They represent legal interests belonging to society as a whole or to an indeterminate group of persons whose collective welfare is at stake. The doctrinal move from individual entitlement to collective legal protection marks a significant transformation in the architecture of rights discourse, one that constitutional theory has increasingly acknowledged. The conceptualization of rights as principles structuring public authority, rather than merely as private claims, provides a theoretical foundation for recognizing public rights as normatively binding constraints on state action (2).

The distinction between public rights and private rights must therefore be articulated not only in terms of the identity of the right-holder but also in terms of the structural relationship between law and governance. Private rights typically protect individual autonomy and proprietary interests, whereas public rights protect collective goods such as environmental integrity, public health, administrative legality, and equitable access to public resources. Scholars examining the Iranian constitutional framework have emphasized that public rights are embedded within the broader constitutional commitment to justice and the protection of societal interests (3). In this sense, public rights operate at the intersection of constitutional law and administrative law. While private rights may be vindicated through ordinary civil litigation, public rights often require institutional guardianship because the diffuse nature of the harm complicates individual enforcement. The comparative experience of administrative law systems confirms that collective interests necessitate distinct procedural and remedial frameworks (4).

The constitutional grounding of public rights in Iran reflects the normative hierarchy of constitutional principles. The Constitution establishes the supremacy of law and affirms the obligation of public authorities to act within its bounds. Classical constitutional theory associates the limitation of arbitrary power with the preservation of collective liberty (9). In the Iranian context, the recognition of public rights as a constitutional category reinforces the idea that governance is not merely an exercise of discretion but a legally structured activity. The rule of law demands that public power remain accountable and justifiable (7). This constitutional orientation provides the normative basis for

asserting that infringement of public rights is not simply a policy failure but a legal wrong capable of generating responsibility. Administrative law doctrine similarly maintains that public authorities must operate within legally defined competences and are subject to judicial control when they exceed those bounds (8).

A further conceptual distinction must be drawn between “public interest” and “collective rights.” Although the two concepts are often used interchangeably, they are not identical. Public interest refers to a policy-oriented objective pursued by governmental institutions in the name of societal welfare. Collective rights, by contrast, represent legally enforceable claims that the public possesses against the state. The conflation of these two concepts can obscure the legal dimension of public rights by reducing them to discretionary policy goals. Iranian scholarship has noted that the transformation of public interests into legally cognizable public rights strengthens judicial oversight and limits administrative arbitrariness (6). In comparative administrative law, the recognition of enforceable collective rights has often been linked to the development of public interest litigation and expanded standing rules (5). By distinguishing between aspirational policy objectives and enforceable legal entitlements, the doctrinal clarity of public rights is reinforced.

The role of the Public Prosecutor and other oversight institutions is central to safeguarding public rights. Because public rights frequently lack an individualized claimant, institutional guardianship becomes essential. In Iran, the Prosecutor has been recognized as a key actor in defending public rights, particularly in cases involving environmental harm, misuse of public property, or systemic administrative violations (10). The Administrative Justice Court also functions as a mechanism for reviewing administrative legality and protecting collective interests (11). Procedural law scholarship highlights that effective access to judicial remedies depends on clear rules of standing and procedural safeguards (19). Without such institutional support, public rights risk remaining abstract principles without practical enforcement mechanisms.

Turning to the legal nature of governmental liability, it is necessary to situate state responsibility within the broader theory of civil liability. In private law doctrine, liability arises where unlawful conduct causes damage and a causal link can be established between the two (18). Iranian civil law scholarship has elaborated this general theory by emphasizing that compensation serves a corrective function, restoring the injured party to the position they would have occupied absent the wrongful act (12). When the injurer is the state, however, additional considerations arise. Governmental liability implicates questions of sovereign authority, public finance, and institutional accountability. Scholars analyzing state liability in Iranian administrative law have underscored that the state, like private actors, must answer for harm caused by its unlawful actions (13).

A doctrinal distinction must also be made between sovereign acts and administrative acts. Sovereign acts traditionally enjoy a higher degree of immunity due to their political or discretionary character, whereas administrative acts are subject to judicial review and potential liability. Comparative administrative law recognizes this distinction but also notes a gradual narrowing of immunity doctrines in favor of accountability (4). The classical conception of sovereign immunity has been increasingly criticized as incompatible with modern rule-of-law principles (16). In Iran, while certain governmental functions retain a special status, administrative acts that exceed legal authority or violate public rights may give rise to compensation claims. This reflects the broader evolution of administrative law toward subjecting public power to legal scrutiny (15).

Another central issue concerns whether governmental liability should be fault-based or strict. Traditional civil liability models require proof of fault, yet certain public law contexts have moved toward strict or objective liability standards, particularly where risk-generating activities are involved. The doctrinal debate in Iranian scholarship has

addressed whether the state's responsibility should hinge upon proven negligence or whether the mere occurrence of unlawful harm suffices (22). The logic of strict liability is often justified on the grounds that public authorities possess superior resources and that victims of public harm should not bear disproportionate evidentiary burdens. From a theoretical perspective, the authority of law presupposes that legal obligations generate consequences independently of subjective blame (14). Thus, in certain circumstances, the protection of public rights may require a liability regime that prioritizes reparation over fault attribution.

Closely related is the distinction between liability arising from unlawful acts and liability resulting from lawful acts that nonetheless cause harm. Administrative decisions taken within legal authority may still produce significant societal damage. The question arises whether compensation should be available even when the state has acted lawfully. Comparative administrative systems have developed doctrines of compensation for lawful acts under specific conditions, recognizing that fairness may require the state to absorb the costs of public burdens (8). Iranian civil liability doctrine acknowledges that not all compensable harm stems from illegality; certain lawful acts that impose disproportionate burdens on individuals or communities may justify compensation (17). Extending this reasoning to public rights violations suggests that collective harm arising from lawful administrative measures may also necessitate remedial mechanisms.

The sources of the governmental obligation to compensate for infringement of public rights are multiple and interrelated. Constitutional principles provide the primary normative foundation. The commitment to justice, legality, and equality implies that public authorities cannot infringe collective rights without consequence. Constitutional theory emphasizes that rights require effective remedies to maintain their normative force (2). The Civil Liability Act constitutes a statutory embodiment of the general principle that damage must be repaired. Although primarily oriented toward private disputes, its provisions have been interpreted as applicable to public authorities when they cause harm through unlawful conduct (12). Administrative justice mechanisms further institutionalize this obligation by granting courts the power to annul unlawful administrative decisions and, in appropriate cases, to order compensation (10).

Islamic jurisprudential principles also contribute to the doctrinal foundation of state liability. The principle of no harm (*la darar*) establishes that harm should neither be inflicted nor tolerated within the legal order. Scholars examining the concept of public rights within Islamic jurisprudence have argued that collective interests enjoy normative protection grounded in these foundational doctrines (1). Guarantee doctrines (*zaman*) further articulate the obligation to compensate for damage caused, irrespective of the status of the wrongdoer. The integration of these jurisprudential principles into modern statutory frameworks reinforces the legitimacy of governmental compensation mechanisms.

Public rights violations may give rise to diverse categories of damage. Material damages include economic loss, destruction of public property, and financial burdens imposed on communities. Civil liability doctrine traditionally focuses on quantifiable harm (18), yet public rights infringements often extend beyond purely economic metrics. Moral and reputational damages may arise where governmental misconduct undermines collective dignity or erodes societal trust. Although moral damages are more difficult to quantify, their recognition reflects an expanded understanding of harm within civil law (21).

Environmental and collective harm represent particularly salient forms of public rights violations. Administrative decisions affecting natural resources, urban planning, or industrial regulation can generate widespread ecological damage. Comparative administrative law has increasingly acknowledged environmental protection as a core

dimension of public rights (5). Such harm may be diffuse, cumulative, and long-term, complicating traditional causation analysis. Diffuse societal damages, including systemic corruption or mismanagement of public funds, may undermine institutional integrity and generate indirect but profound harm. The rule-of-law framework requires that such structural damage not remain without legal response (7).

In sum, the theoretical and legal foundations of public rights and state liability reveal a complex interplay between constitutional principles, civil liability doctrine, administrative law mechanisms, and jurisprudential norms. Public rights occupy a distinct position within the legal system, requiring tailored conceptual and remedial approaches. The obligation of the state to compensate for infringement of these rights derives not only from statutory provisions but also from deeper normative commitments embedded in constitutional and jurisprudential traditions.

Governmental Mechanisms for Compensation of Damage to Public Rights

The realization of public rights within a constitutional system depends not merely on their recognition in abstract doctrine but on the existence of effective mechanisms capable of translating normative commitments into concrete remedies. When damage results from the infringement of public rights, the state must rely on a combination of judicial, administrative, legislative, and quasi-judicial mechanisms to ensure reparation and restore legal equilibrium. These mechanisms reflect the structural complexity of governmental accountability and demonstrate how the legal order operationalizes the principle that public power remains subject to law. Administrative law theory consistently emphasizes that remedies constitute a central component of legality, as judicial review without effective reparation risks becoming symbolic rather than corrective (4). Similarly, the broader tradition of administrative justice underlines that the credibility of public institutions depends upon their capacity to acknowledge wrongdoing and provide adequate compensation (15).

Judicial mechanisms form the core of governmental compensation structures. In Iran, the Administrative Justice Court occupies a pivotal role in reviewing administrative decisions and safeguarding public rights. Its jurisdiction extends to annulment of unlawful acts and, in certain contexts, to adjudicating claims for damages resulting from administrative misconduct. The institutional importance of this court has been highlighted as central to the protection of public rights within the constitutional framework (10). By providing a forum for challenging unlawful administrative decisions, the Administrative Justice Court functions as a guardian of legality and an instrument for correcting systemic harm. Comparative administrative law scholarship underscores that specialized administrative courts enhance accountability by developing expertise in public law disputes (8). The availability of judicial annulment, combined with the possibility of compensation, strengthens the deterrent effect of review and reinforces the principle that public authorities must operate within defined legal limits (5).

Civil courts also play a significant role in state liability cases, particularly where the Civil Liability Act is invoked to claim damages for harm caused by public authorities. Although administrative courts primarily address legality of administrative acts, civil courts may adjudicate compensation claims where damage has materialized. The doctrinal basis for such claims lies in the general theory of civil liability, which requires proof of damage, causation, and wrongful conduct (12). The extension of these principles to governmental actors reflects the normative understanding that the state, despite its sovereign character, is not immune from responsibility for harm caused through unlawful action (13). Civil procedure scholarship emphasizes that effective access to courts and clarity of procedural rules are indispensable for ensuring that victims can pursue compensation (19). The ability of civil courts

to award damages serves as a complementary mechanism to administrative review, particularly when collective harm translates into identifiable economic loss.

Criminal proceedings may also intersect with compensation for public rights violations, particularly in cases involving corruption, abuse of power, or unlawful destruction of public resources. Although criminal law primarily serves punitive and deterrent purposes, it may include restitutionary components designed to repair harm. When public officials engage in conduct that violates collective rights and constitutes a criminal offense, criminal courts may order compensation alongside sanctions. The broader jurisprudential framework recognizes that accountability operates across multiple legal domains and that public wrongdoing may trigger civil, administrative, and criminal consequences simultaneously (16). The integration of restitution within criminal proceedings reinforces the principle that unlawful conduct by public officials must produce tangible reparative outcomes.

The emergence of collective and public-interest litigation represents an evolving dimension of judicial compensation mechanisms. Public rights often lack individualized victims capable of initiating litigation, making collective standing essential. Iranian scholarship has examined the role of public interest litigation in enabling broader access to judicial review where collective harm is at stake (20). Comparative administrative systems have increasingly recognized that expanding standing rules enhances the enforceability of collective rights (4). By permitting associations, prosecutors, or representative plaintiffs to pursue claims on behalf of the public, the legal system mitigates the structural imbalance between the state and diffuse victims. This procedural innovation strengthens the capacity of courts to address systemic harm and contributes to the institutionalization of compensation for public rights infringements.

Beyond judicial remedies, administrative mechanisms constitute an important layer of governmental compensation structures. Many public authorities maintain internal frameworks for addressing harm resulting from administrative action. These internal compensation processes may include review committees, disciplinary procedures, and administrative settlements. While such mechanisms may lack the formal authority of courts, they can provide expedited and specialized responses to public harm. Administrative law theory recognizes that internal review processes can complement judicial oversight, provided they operate transparently and remain subject to external scrutiny (15). In the Iranian context, the development of administrative justice institutions has been linked to broader efforts to enhance state accountability (11).

Specialized commissions and regulatory bodies may also assume responsibility for addressing damage in particular sectors, such as environmental regulation or public utilities. These bodies often possess technical expertise necessary for assessing complex forms of harm. The regulatory state's expansion has produced institutions capable of imposing corrective measures and, in certain cases, mandating compensation. Comparative scholarship highlights that specialized regulatory frameworks can enhance both preventive and remedial capacities of the state (5). The existence of sector-specific oversight bodies reflects the recognition that certain public rights violations require targeted institutional responses beyond general civil litigation.

Supervisory authorities further contribute to compensation mechanisms by monitoring compliance and initiating corrective action. The rule-of-law framework requires that supervisory institutions operate independently and possess sufficient authority to address systemic misconduct (7). In Iran, oversight functions are dispersed among various institutions tasked with auditing, inspection, and legal review. When supervisory authorities identify unlawful conduct that harms public rights, they may trigger administrative or judicial proceedings aimed at reparation. The

effectiveness of such mechanisms depends on coordination between institutions and clarity regarding remedial authority.

Ombudsman-type institutions represent another potential administrative mechanism for addressing public harm. Although their formal powers may vary, such institutions typically investigate complaints, issue recommendations, and facilitate settlements. Comparative administrative law recognizes the ombudsman model as a flexible instrument for enhancing accountability and resolving disputes without formal litigation (8). By providing accessible channels for complaints, ombudsman-type bodies can contribute to compensation processes, particularly where judicial recourse may be burdensome or impractical.

Legislative mechanisms also play a crucial role in structuring compensation for public rights violations. Statutory compensation schemes may establish predefined procedures and standards for reparation in specific contexts. The Civil Liability Act serves as a foundational statutory basis for claims against public authorities, embedding the principle that damage must be repaired within the legal system (17). Legislative intervention may be particularly necessary where collective harm demands coordinated responses, such as compensation funds or structured distribution mechanisms. By codifying liability standards, the legislature clarifies the scope of governmental responsibility and enhances predictability.

Budgetary allocations constitute another legislative mechanism through which compensation may be operationalized. When public harm results from administrative misconduct or systemic failure, the allocation of public funds for reparation reflects a recognition that the state must bear the financial consequences of its actions. The normative logic underlying such allocations aligns with the principle that public authorities cannot externalize the costs of unlawful conduct onto society. Civil liability theory underscores that compensation restores equilibrium by reallocating loss to the party responsible for causing harm (18). Budgetary mechanisms ensure that compensation is not merely theoretical but financially realizable.

In certain contexts, special funds may be established to address particular categories of harm, such as environmental damage or public disasters. The creation of such funds represents a legislative acknowledgment of the need for structured and collective reparation mechanisms. Comparative administrative systems demonstrate that compensation funds can provide efficient distribution of remedies where individual litigation would be impractical (16). The establishment of funds also reflects a preventive dimension, signaling that the state anticipates potential risks and prepares mechanisms to address them.

Parliamentary oversight further reinforces legislative involvement in compensation processes. Through inquiries, hearings, and statutory reform, the legislature may scrutinize administrative practices and mandate corrective measures. The constitutional principle of accountability requires that public authorities remain answerable to representative institutions (9). Parliamentary oversight thus contributes indirectly to compensation by exposing systemic failures and prompting institutional reform.

Quasi-judicial and alternative mechanisms complement formal judicial and legislative structures. Mediation and administrative settlement processes allow public authorities to resolve disputes without prolonged litigation. While such mechanisms must operate within legal constraints, they can expedite compensation and reduce procedural burdens. Administrative law scholarship acknowledges that negotiated solutions may enhance efficiency, provided transparency and fairness are maintained (15).

Arbitration involving public entities represents another alternative mechanism, particularly in contractual or quasi-contractual contexts. Although arbitration traditionally concerns private disputes, public authorities may participate

in arbitral proceedings where public rights intersect with contractual obligations. The enforceability of arbitral awards ensures that compensation obligations become legally binding.

Preventive oversight mechanisms further contribute to reducing damage and minimizing the need for compensation. By strengthening internal compliance systems and supervisory review, the state can mitigate risks before harm materializes. The rule-of-law framework emphasizes that prevention is as important as remedy in safeguarding rights (7). Effective oversight reduces the incidence of infringement and thereby decreases the financial and institutional costs associated with compensation.

In sum, governmental mechanisms for compensating damage to public rights operate across multiple institutional layers. Judicial review provides authoritative and binding remedies, administrative processes offer specialized and flexible responses, legislative frameworks structure liability and allocate resources, and quasi-judicial mechanisms facilitate efficient resolution. The interaction of these mechanisms reflects the complexity of public accountability and underscores the necessity of coherent institutional coordination to ensure that public rights receive meaningful protection and reparation.

Evaluation of the Effectiveness and Challenges of Existing Compensation Methods

Although the Iranian legal system recognizes multiple mechanisms for compensating damage resulting from infringement of public rights, the practical effectiveness of these mechanisms remains subject to significant structural and procedural challenges. The existence of judicial, administrative, and legislative avenues does not automatically ensure coherent or efficient protection. One of the most salient structural issues lies in the multiplicity of oversight authorities. Various institutions—including the Administrative Justice Court, civil courts, supervisory bodies, and prosecutorial offices—possess overlapping or adjacent competences. While such multiplicity may theoretically enhance accountability through distributed control, it often produces fragmentation. Administrative law scholarship warns that dispersed oversight structures can create uncertainty regarding jurisdiction and responsibility (4). In the Iranian context, the Administrative Justice Court has been described as a central guardian of public rights (10), yet its authority operates alongside other supervisory institutions whose mandates are not always clearly demarcated. This institutional plurality can lead to parallel proceedings or inconsistent outcomes, thereby weakening the predictability of compensation mechanisms.

The lack of coordination between institutions further exacerbates these structural complexities. When administrative bodies, supervisory authorities, and courts operate without integrated procedural frameworks, injured parties may face uncertainty regarding the appropriate forum for redress. Comparative administrative law highlights the importance of institutional coherence in ensuring effective remedies (15). Without clear procedural pathways, claimants may encounter jurisdictional disputes that delay resolution and dilute accountability. Moreover, supervisory authorities tasked with identifying violations may lack formal mechanisms for transferring cases efficiently to judicial bodies empowered to order compensation. The rule-of-law principle requires not only the existence of legal remedies but also their accessibility and clarity (7). Fragmented oversight undermines this requirement by imposing additional burdens on those seeking redress for collective harm.

Procedural delays constitute another significant challenge in the compensation framework. Judicial proceedings, particularly in complex public rights cases, may extend over prolonged periods due to evidentiary complexities and administrative backlog. Civil procedure doctrine underscores the necessity of timely adjudication to preserve the effectiveness of rights (19). When compensation is delayed, the corrective function of liability is weakened, and

public confidence in legal institutions may erode. Comparative administrative systems have similarly confronted the tension between thorough judicial review and procedural efficiency (8). In cases involving environmental damage or systemic administrative misconduct, prolonged litigation may render remedies partially ineffective, particularly where harm continues to accumulate during the pendency of proceedings.

The burden of proof in public-rights litigation represents an additional procedural obstacle. Traditional civil liability doctrine requires claimants to establish fault, damage, and causation (18). However, when harm affects diffuse public interests, evidentiary standards designed for bilateral disputes may prove ill-suited. Establishing causation between a particular administrative decision and widespread societal harm can be exceptionally complex. Scholars have noted that the application of strict evidentiary standards in state liability cases may inadvertently shield public authorities from effective accountability (22). The asymmetry of information between governmental bodies and collective victims further complicates litigation, as administrative authorities typically possess superior access to relevant documentation and technical expertise. Without procedural adjustments that recognize these asymmetries, compensation mechanisms risk reinforcing structural inequality rather than correcting it.

Beyond procedural challenges, normative and doctrinal ambiguities significantly affect the coherence of compensation methods. A central issue concerns the lack of a universally accepted and precise definition of public rights within Iranian law. While constitutional discourse acknowledges their existence (3), the contours of the concept remain fluid. This ambiguity complicates judicial interpretation and the identification of compensable harm. The distinction between public interest as a policy objective and public rights as legally enforceable claims has not always been consistently maintained in doctrinal analysis (6). As a result, courts may vary in their willingness to recognize collective claims as legally actionable.

Inconsistent judicial interpretation further undermines predictability. Administrative courts may adopt expansive readings of public rights in certain cases while limiting their scope in others. Comparative scholarship observes that variability in judicial reasoning can weaken the deterrent function of liability regimes (4). The absence of consolidated doctrinal guidelines may produce divergent outcomes even in similar factual contexts. From a jurisprudential perspective, the authority of law depends upon its consistent and principled application (14). Where judicial interpretations fluctuate, affected parties may find it difficult to anticipate the likelihood of successful compensation claims.

Ambiguity in standing for public-interest claims represents another doctrinal challenge. Public rights, by definition, belong to society as a whole, raising questions about who may legitimately initiate litigation. While the Public Prosecutor plays a recognized role in defending collective interests (10), the scope of standing for associations or individual citizens remains subject to debate. Public interest litigation has been proposed as a mechanism for addressing collective harm (20), yet procedural barriers and restrictive interpretations of standing may limit its effectiveness. Comparative administrative systems have often expanded standing rules to enhance access to justice in public law disputes (5). In Iran, however, doctrinal uncertainty continues to constrain the practical realization of such litigation.

A further normative gap lies between theoretical recognition of state liability and practical implementation. Iranian civil liability doctrine articulates a robust general theory emphasizing the obligation to repair damage (12), yet translating this principle into the domain of public rights requires institutional adaptation. The theoretical acceptance that public authorities are subject to liability (13) does not automatically resolve questions regarding quantification of collective harm or allocation of compensation. Environmental and systemic harms may resist precise valuation,

thereby complicating judicial calculation of damages. The divergence between doctrinal ideals and institutional capacities creates tension within the compensation framework.

Institutional weaknesses further limit the effectiveness of compensation mechanisms. The independence of oversight bodies is a crucial determinant of accountability. Administrative law scholarship consistently emphasizes that supervisory institutions must operate free from undue political influence to maintain credibility (8). Where oversight bodies lack sufficient independence, their capacity to initiate or enforce compensation proceedings may be compromised. The legitimacy of administrative justice institutions depends upon both formal authority and perceived impartiality (15).

Financial constraints also pose practical barriers. Compensation for public rights violations often requires substantial public expenditure, particularly in cases involving environmental remediation or restitution of mismanaged public funds. Budgetary limitations may delay or restrict implementation of compensation orders. The corrective logic of civil liability presupposes the availability of resources to restore harm (17). Without adequate funding mechanisms, judicial decisions awarding compensation risk remaining symbolic.

Accessibility for citizens constitutes another institutional concern. Effective compensation mechanisms must be reachable by those affected. Procedural complexity, high litigation costs, and lack of legal awareness may deter individuals or associations from pursuing claims. Civil procedure doctrine underscores the importance of simplifying access to courts to ensure meaningful enforcement of rights (19). In the context of public rights, limited accessibility exacerbates the structural imbalance between state and society.

Enforcement inefficiencies further weaken the system. Even when courts issue compensation orders, delays or obstacles in enforcement may arise. Comparative experience indicates that the enforcement phase is often the weakest link in administrative justice systems (16). If public authorities resist compliance or lack effective monitoring mechanisms, compensation may not materialize in practice. The rule-of-law principle requires not only adjudication but also execution of judgments (7).

Comparative reflections provide additional insight into potential reform directions. In several jurisdictions, the narrowing of sovereign immunity and expansion of judicial review have strengthened state liability regimes (4). The development of structured compensation funds and procedural innovations in public interest litigation has enhanced access to justice in collective harm cases (5). Comparative constitutional theory demonstrates that embedding remedies within a coherent framework of rights and institutional oversight enhances both deterrence and corrective justice (2). These experiences suggest that clarifying doctrinal definitions, harmonizing oversight mechanisms, and strengthening enforcement capacities are essential steps toward improving the effectiveness of compensation systems.

The evaluation of existing methods thus reveals a complex interplay of strengths and limitations. While Iran's legal system provides multiple avenues for compensating damage to public rights, structural fragmentation, doctrinal ambiguity, and institutional constraints diminish their practical impact. Addressing these challenges requires not only statutory refinement but also institutional coordination and procedural innovation. The effectiveness of compensation mechanisms ultimately depends on their capacity to translate constitutional commitments into tangible and enforceable remedies.

Conclusion

The examination of governmental methods for compensating damage resulting from infringement of public rights reveals a legal landscape that is normatively rich yet institutionally complex. Public rights, as a distinct category within the constitutional and administrative framework, represent more than collective interests or abstract policy objectives. They embody enforceable legal claims that arise from the constitutional commitment to justice, legality, and accountability. When these rights are violated, the state bears not only a moral obligation but a legal duty to restore the harm and reestablish normative equilibrium. The effectiveness of this duty, however, depends on the coherence, accessibility, and enforceability of the mechanisms designed to implement it.

The analysis demonstrates that Iran's legal system provides a multilayered structure for compensation. Judicial mechanisms, particularly through the Administrative Justice Court and civil courts, serve as primary instruments for reviewing administrative conduct and awarding damages. Administrative processes and supervisory bodies supplement judicial remedies by identifying violations and facilitating corrective measures. Legislative frameworks, including statutory liability provisions and budgetary allocations, establish the normative and financial foundations necessary for reparation. Alternative and quasi-judicial mechanisms further contribute flexibility and efficiency in certain contexts. Taken together, these mechanisms reflect a recognition that public authority must remain accountable for harm inflicted upon society.

Yet the presence of multiple mechanisms does not automatically ensure effective protection. Structural fragmentation and overlapping jurisdiction can create uncertainty and delay. The absence of clear coordination between oversight bodies risks undermining predictability and diminishing the deterrent effect of liability. Procedural challenges, including burdensome evidentiary requirements and prolonged adjudication, may limit access to compensation for collective harms that are diffuse or technically complex. Where public rights violations involve systemic or environmental damage, traditional bilateral models of civil liability may prove insufficient.

Normative ambiguity further complicates the compensation landscape. Although public rights are acknowledged within constitutional discourse, their precise contours are not always clearly defined in statutory or judicial practice. The distinction between public interest and enforceable public rights requires greater doctrinal clarity. Without such clarity, courts may adopt inconsistent approaches, thereby weakening legal certainty and reducing confidence in remedial processes. Ambiguities surrounding standing in public-interest litigation also restrict the capacity of civil society and representative actors to pursue collective claims. The evolution of procedural doctrines that better accommodate collective harm remains a crucial area for reform.

Institutional weaknesses compound these doctrinal challenges. Oversight bodies must possess both independence and authority to function effectively. If supervisory institutions lack adequate autonomy or resources, their ability to enforce compensation obligations may be compromised. Financial constraints can delay or diminish the implementation of compensation orders, particularly in cases involving large-scale public harm. Moreover, accessibility barriers—including procedural complexity, litigation costs, and limited public awareness—may prevent affected communities from invoking available remedies. Ensuring meaningful access to justice is essential for translating constitutional commitments into practical outcomes.

The broader significance of effective compensation mechanisms extends beyond individual cases. Compensation serves corrective, preventive, and expressive functions. It restores injured interests, deters future misconduct, and signals that public authority remains subject to legal limits. When compensation mechanisms

function properly, they strengthen public trust in governance and reinforce the legitimacy of state institutions. Conversely, when violations of public rights remain inadequately remedied, confidence in the rule of law erodes. Accountability is not merely a technical legal concept; it is a foundational element of democratic governance and social stability.

Comparative experiences illustrate that the evolution of state liability regimes often accompanies the maturation of constitutional systems. Narrowing immunity doctrines, expanding standing rules, clarifying liability standards, and establishing structured compensation funds are among the reforms that have strengthened accountability elsewhere. These experiences suggest that doctrinal refinement and institutional coordination are not merely technical improvements but necessary steps toward enhancing the integrity of public administration. The Iranian legal system possesses doctrinal resources and institutional foundations capable of supporting such development.

Ultimately, the challenge lies in harmonizing theory and practice. The theoretical foundations of civil liability, administrative justice, and constitutional rights provide a robust normative framework for addressing public harm. However, practical realization requires institutional alignment, procedural accessibility, and consistent judicial interpretation. Public rights cannot remain symbolic declarations; they must be accompanied by effective remedies capable of addressing both immediate and systemic harm.

This study underscores that compensation for infringement of public rights is not a peripheral concern but a central dimension of constitutional governance. The duty of the state to repair harm inflicted upon society reflects the deeper principle that public power derives its legitimacy from law and remains accountable to it. Strengthening compensation mechanisms, clarifying doctrinal ambiguities, and enhancing institutional capacity are therefore essential tasks for ensuring that public rights are not only recognized but meaningfully protected. Through such reforms, the legal system can better fulfill its commitment to justice, uphold the rule of law, and reinforce public confidence in the structures of governance.

Acknowledgments

We would like to express our appreciation and gratitude to all those who helped us carrying out this study.

Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

Funding

This research was carried out independently with personal funding and without the financial support of any governmental or private institution or organization.

References

1. Zidan A. The Concept of Public Rights in Islamic Jurisprudence and Modern Law. *Islamic Legal Studies*. 2011;8(1):59-90.
2. Alexy R. *A Theory of Constitutional Rights*: Oxford University Press; 2002.
3. Mashayekhi A. Protection of Public Rights in Iranian Constitutional Law. *Public Law Quarterly*. 2018;14(1):23-54.
4. Craig P. *Administrative Law*. 8 ed: Sweet & Maxwell; 2016.
5. Cane P. *Administrative Law*. 5 ed: Oxford University Press; 2011.
6. Ghasemzadeh M. Governmental Responsibility and Public Rights. *Journal of Legal Studies*. 2010;12(3):101-32.
7. Tamanaha BZ. *On the Rule of Law: History, Politics, Theory*: Cambridge University Press; 2004.
8. Wade HWR, Forsyth CF. *Administrative Law*. 11 ed: Oxford University Press; 2014.
9. Dicey AV. *Introduction to the Study of the Law of the Constitution*. 10 ed: Macmillan; 1982.
10. Razavi SM. The Role of the Administrative Justice Court in Safeguarding Public Rights. *Iranian Administrative Law Review*. 2017;9(4):67-98.
11. Mousizadeh R. *Administrative Justice and State Accountability*: Dadgostar Publishing; 2002.
12. Katouzian N. *Civil Liability: The General Theory*: Entesharat Mizan; 2004.
13. Ansari M. State Liability in Iranian Administrative Law. *Iranian Journal of Public Law*. 2011;5(2):45-78.
14. Raz J. *The Authority of Law: Essays on Law and Morality*: Oxford University Press; 1979.
15. Harlow C, Rawlings R. *Law and Administration*. 3 ed: Cambridge University Press; 2009.
16. Schwartz B. *Administrative Law*: Little, Brown & Co.; 1991.
17. Emami SH. *Civil Law, Vol. I: Obligations and Liability*: Eslamiyeh Publishing; 2000.
18. Hosseini-Nejad A. *Principles of Civil Liability*: Tehran University Press; 1991.
19. Shams A. *Civil Procedure in Iran, Vol. II*: Derak Publishing; 2006.
20. Zargush M. Public Interest Litigation and Collective Rights in Iran. *Comparative Law Review*. 2013;5(3):145-76.
21. Katouzian N. *Introduction to Law and the Study of the Legal System*: Entesharat Mizan; 2009.
22. Bahrani Ahmadi H. *Civil Liability of Public Authorities in Iranian Law*: Mizan Publishing; 2015.