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Iran's Criminal Policy Toward Piracy in the Context of Contemporary Developments: Evaluation of Challenges and Legal Solutions

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ABSTRACT

Modern piracy, as an organized and transnational crime, constitutes a serious threat to maritime security, international trade, and the legal order governing the seas. The primary objective of this study is to elucidate the theoretical foundations and assess the effectiveness of Iran's domestic criminal policy in addressing contemporary forms of piracy, as well as to propose an integrated criminal policy model compatible with the transnational nature of this crime. The research adopts a descriptive–analytical method; within the domain of Iran's domestic law, it examines the Piracy Bill comprising 20 articles, which seeks to criminalize acts of piracy, establish jurisdiction, and prescribe proportionate penalties for offenders, in alignment with the coherence of global criminal policy against this phenomenon. The findings indicate that an effective criminal policy against modern piracy must be grounded in an integrated approach—one that, while utilizing universal jurisdiction and transnational prosecution, emphasizes institutional coordination and international cooperation. From a theoretical perspective, the legitimacy of punishment in this domain is grounded less in retribution and more in the protection of the shared global legal order and the safeguarding of collective international security. Accordingly, the proposed model, through the integration of criminal justice principles and structured international cooperation, provides a coherent framework for combating modern piracy.

Keywords: *Modern piracy, criminal policy, criminal law, piracy bill, domestic law.*

Introduction

Piracy, as one of the oldest forms of international crime, has a very long history that, according to historical evidence, dates back to the thirteenth century BCE. This phenomenon, similar to the slave trade, has been among the earliest manifestations of international crimes and, from the perspective of international law, is one of the first offenses subject to the principle of universal jurisdiction. Piracy is one of the oldest known human crimes that has consistently posed a threat to public security and maritime order along trade routes and straits (1). Such a characteristic has led piracy to be regarded, since ancient times, as a serious threat to national security, the stability of international trade, and maritime navigation safety. According to reports by international maritime authorities,



from the beginning of the modern wave of piracy attacks until 2015, nearly five thousand incidents have been recorded. Iran, like many other countries, has also been a victim of such incidents in recent years, to the extent that Iranian vessels have been attacked or threatened with attack. In several cases, these attacks have been successful and have resulted in hostage-taking of crew members and looting of ships' assets and cargo. Nevertheless, in many instances, due to the timely presence and intervention of naval forces deployed to the Gulf of Aden for the protection of oil tankers and commercial vessels, pirates have failed to seize Iranian ships or achieve their objectives (2).

The proactive and reactive criminal policy in combating piracy within domestic law, prior to the introduction of the 20-article bill, faced significant gaps in terms of explicit criminalization, determination of universal jurisdiction, judicial coordination, and international cooperation. Although the draft bill represents an effective step toward strengthening a proactive–reactive approach to addressing this phenomenon, it still suffers from deficiencies in terms of compliance with international standards and effective enforcement mechanisms. The experience of countries such as France, Malaysia, and Kenya demonstrates that achieving effective countermeasures requires going beyond mere criminalization to include deterrent structures, training of naval forces, utilization of monitoring technologies, and the expansion of international cooperation (3).

Therefore, the Iranian legislator lacks a clear and coherent penal policy in this regard. On the one hand, due to the non-ratification of the 1982 United Nations Convention on the Law of the Sea by the Islamic Consultative Assembly and the absence of explicit criminalization of piracy, Iranian courts face fundamental challenges in exercising jurisdiction and adjudicating piracy cases. On the other hand, due to political considerations and the preservation of sovereignty, Iran has not yet acceded to the aforementioned convention, which, to some extent, appears reasonable. Piracy is the primary crime subject to universal jurisdiction. The doctrine of universal jurisdiction allows all states to prosecute perpetrators of certain international crimes, even where neither the offender nor the victim has any connection to the prosecuting state. Prior to the recent escalation of piracy incidents, the practical applicability of this rule to piracy appeared limited; however, the time has now come for perpetrators of modern piracy, like those committing other crimes subject to universal jurisdiction, to be prosecuted.

Punishments and Responsibilities in Iran's Domestic Law

In Iran's domestic legal system, piracy, as a crime threatening public security and order, has in recent years attracted particular attention from the legislator. For a long time, piracy was not independently criminalized within the country's penal system, and its prosecution relied on the general provisions of the Islamic Penal Code. This situation led courts, when confronted with complex maritime cases, to apply general rules of theft or *moharebeh* (armed enmity), whereas the international and transnational nature of piracy necessitates a more specific and comprehensive legal framework (4).

Piracy is not only economic in nature but also encompasses significant security and political dimensions. This crime typically occurs on the high seas, and perpetrators often possess different nationalities; therefore, states' jurisdiction to prosecute such acts is grounded in principles such as universal jurisdiction and protective jurisdiction. According to accepted principles of international law, states are obliged to prosecute and punish pirates wherever possible, even if the crime occurred outside their territory. Although this principle has been implicitly recognized in Iran's criminal policy, it has not yet been explicitly codified in domestic law (5).

Given the expansion of international trade and the security threats arising from piracy, there is a pressing need to harmonize Iranian laws with international instruments, including the United Nations Convention on the Law of the

Sea and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation. Due to its threat to global trade security, piracy must be classified among the most serious international crimes, and its perpetrators should face severe punishments. In this regard, the development of legal mechanisms for the extradition of maritime offenders and judicial cooperation with other states has also been emphasized.

From the perspective of Iran's criminal policy, the response to maritime crimes has thus far been framed primarily within the context of protecting maritime borders and combating organized smuggling. However, the absence of a specific piracy law has led to its interpretation within the framework of *moharebeh* or offenses against public security. Although this approach may be defensible from a jurisprudential standpoint, it requires reconsideration from a technical and international perspective in order to establish a balance between traditional concepts and modern maritime security requirements. In the contemporary legal order, immediate punitive action against pirates without due judicial process and a formal conviction is not permissible (6). The necessity of establishing specialized courts for maritime crimes has also been highlighted in recent legal analyses. The experience of certain countries demonstrates that concentrating jurisdiction within specialized courts can expedite proceedings and enhance coordination between military and judicial institutions. Such courts should possess universal jurisdiction in order to adjudicate crimes committed on the high seas (7).

In terms of criminal responsibility, piracy is among the crimes in which individual responsibility is particularly prominent. Perpetrators cannot invoke political, economic, or religious motives to evade criminal liability. In Islamic criminal jurisprudence, armed acts at sea that cause fear and public insecurity may fall under the category of *moharebeh*, which can entail punishments such as execution, crucifixion, or exile (8). Nevertheless, some studies emphasize that, from the perspective of modern law, piracy should be considered an independent offense and should not be confined solely to the framework of *moharebeh*, as its material and mental elements differ. Piracy is typically motivated by financial gain and is often carried out by organized groups, sometimes involving electronic or cyber means to seize control of vessels. Therefore, it is necessary for the legislator to incorporate new concepts such as cyber or electronic piracy into the legal definition of the crime (7).

Regarding the type and severity of punishments, some studies suggest that sanctions for piracy should be proportionate to the level of violence, the damage inflicted, and the risks created. For instance, if a maritime attack results in murder or hostage-taking, the punishment may be capital punishment; however, in cases lacking severe violence, long-term imprisonment and confiscation of property may suffice. Within this framework, the use of ancillary penalties, such as prohibition from maritime employment or financial restrictions, has also been proposed.

From the perspective of jurisdiction, it is essential to clarify the scope of authority of domestic courts in adjudicating piracy cases. According to principles of international law, Iranian courts may exercise jurisdiction over crimes committed on Iranian vessels, even on the high seas. However, in cases where the offense occurs on foreign vessels or in international waters, universal jurisdiction must be applied under specific conditions. A precise delineation of these conditions in domestic legislation will prevent conflicts of jurisdiction (9). Effective enforcement of punishments also requires institutional cooperation among military forces, judicial authorities, and the coast guard. Without such coordination, even the existence of severe penalties will not ensure effectiveness. Consequently, it has been proposed that the enforcement structure for maritime crime judgments be designed as a multi-sectoral system, with the coast guard assuming direct responsibility for supervising the execution of sentences and managing specialized detention facilities for pirates.

Alongside punitive measures, the preventive dimension of the crime is also of considerable importance. Criminological analyses indicate that poverty, unemployment, weak coastal surveillance, and economic insecurity in certain regions contribute to the emergence of piracy. Therefore, Iran's criminal policy should, in addition to providing deterrent punishments, pursue economic and social strategies at the regional level. At the theoretical level, some works have referred to the possibility of establishing a specialized international court for piracy. Although such an institution may be effective at the international level, at the national level the emphasis should be on strengthening the domestic judicial system and enhancing its coordination with international instruments, enabling Iran to act independently without referring cases to foreign tribunals (7).

In general, Iran's penal system in addressing piracy remains in a transitional stage from a traditional model to a modern and international framework. Although severe punishments based on Islamic jurisprudence may have deterrent effects, they are insufficient to respond to contemporary forms of piracy. The enactment of a specific piracy law, the determination of universal jurisdiction for courts, the establishment of specialized courts, the development of extradition and judicial cooperation mechanisms, and the reform of enforcement structures are among the most important reforms that can strengthen Iran's position in combating piracy.

The enactment of a specific piracy law, the determination of universal jurisdiction for courts, the establishment of specialized courts, the development of extradition and judicial cooperation mechanisms, and the reform of enforcement structures are among the most important reforms that can strengthen Iran's position in combating piracy. Ultimately, according to various scholarly perspectives, the responsibility of piracy offenders in Iran's domestic law should be a combination of individual criminal responsibility, international enforcement guarantees, and humane principles of due process, so that the country's penal system attains both domestic legitimacy and international credibility (10).

Punishments Prescribed for Piracy in Iranian Law and Their Comparison with International Law

In Iran's legal system, punishment for piracy has thus far been addressed within the framework of general laws rather than as an independent offense. The Islamic Penal Code enacted in 2013, drawing on jurisprudential foundations, considers acts such as armed attack, threat, and seizure of vessels at sea prosecutable under titles such as *moharebeh* (armed enmity) or *efsad-e fel-arz* (corruption on earth). Pursuant to Articles 279 and 286 of the Islamic Penal Code, any individual or group that endangers public security on land or at sea through the use of weapons may be subject to these charges and face punishments such as execution, crucifixion, amputation, or exile. However, Iranian law does not explicitly provide a precise definition of piracy, the conditions for its realization, or its distinction from similar crimes such as armed robbery or maritime mutiny, which constitutes a significant gap when compared to the international legal system (11).

Within the criminal policy framework of the Islamic Republic of Iran, piracy, due to its direct connection with national security, is categorized among crimes against the state and public order. From a jurisprudential perspective, violent acts at sea that result in fear and insecurity are considered clear instances of *moharebeh*. Accordingly, Iranian courts, in cases involving attacks on Iranian vessels—even on the high seas—are authorized to exercise jurisdiction based on territorial or protective principles and to prosecute offenders. Nevertheless, in practice, judicial decisions in similar cases have predominantly relied on general criminal classifications and have rarely referred to a specialized definition of piracy (12).

In contrast, within the international law of the sea, piracy is defined with precision and governed by a clear legal framework. Article 101 of the 1982 United Nations Convention on the Law of the Sea defines piracy as any act of violence, detention, or depredation committed on the high seas for private ends. This crime is realized only when committed by private actors, not states, against another vessel or aircraft. According to this convention, all states, regardless of the nationality of the offender or victim, have the right to pursue, arrest, and prosecute pirates within their jurisdiction; this is known as the principle of universal jurisdiction and forms the foundation of international cooperation in combating piracy (13). In Iranian law, although general principles of criminal responsibility at sea are recognized, the principle of universal jurisdiction is not explicitly codified. The Maritime Law enacted in 1964 also addresses only issues related to navigation safety, collisions, and shipowners' obligations, remaining silent on piracy. Consequently, the handling of piracy cases is limited to judicial interpretation and adaptation to general criminal rules. By contrast, the international system, emphasizing global cooperation, extends responsibility not only to perpetrators but also to facilitators and financial supporters of piracy (10).

Regarding measures to address the crisis of piracy within Iran's legal framework, certain provisions of the Islamic Penal Code—particularly within the section on discretionary punishments—may initially appear relevant. However, a careful examination of the legal language and jurisprudential background of these provisions reveals that they pertain specifically to highway robbery and have no direct relation to piracy or armed attacks against vessels at sea. A crucial point in this regard is that analogy has no legal validity within Iran's legal system, and rules applicable to one matter cannot be extended to another, particularly when their conditions differ, which in jurisprudential terminology is referred to as *qiyas ma'a al-fariq*. Therefore, none of the existing provisions in Iranian criminal law—including Article 653 or Articles 185 and 683 of the Islamic Penal Code—correspond to the definition of piracy set forth in Article 101 of the Convention on the Law of the Sea (14).

This necessity becomes even more pronounced in light of the resolutions of the United Nations Security Council. For instance, Resolution 2015 of 24 October 2011 obliges all member states to criminalize piracy and address it through their domestic legal systems. Likewise, Resolution 2020 of 22 November 2011 reiterates the importance of adopting national legislation to criminalize piracy, particularly for prosecuting suspects involved in acts off the coast of Somalia and punishing convicted offenders.

In analyzing the punishments prescribed for piracy in Iranian law and comparing them with international law, some studies argue that Iran's criminal policy is excessively punitive and repressive, with insufficient attention to preventive measures or international cooperation. In contrast, international law, emphasizing the principle of proportionality, distinguishes between principal offenders, accomplices, and accessories, assigning specific penalties to each level of participation. This distinction often results in international penalties being comparatively less severe but more effective than those in the Iranian penal system. In relevant international instruments, including the 1988 SUA Convention, sanctions for piracy typically include long-term imprisonment, confiscation of property, prohibition from maritime activities, and extradition to the competent state. In these instruments, capital punishment is generally regarded as contrary to human rights principles unless the crime involves intentional killing. By contrast, in Iran's penal system, capital punishment remains a principal sanction for *moharebeh*, even where the crime has not resulted in death (12).

One of the key distinctions between Iranian law and the international system lies in the scope of the mental element of the offense. In international law, political, military, or terrorist motives exclude an act from being classified as piracy, as the crime is limited to acts committed for private gain. However, in Iranian law, any armed act against

public security, even if politically motivated, may fall within the category of *moharebeh*. While this broader scope may enhance deterrence, it is not fully compatible with the narrower concept of piracy in international legal instruments.

According to some legal scholars, one of the reasons for this divergence lies in Islamic criminal jurisprudence, which prioritizes social security over other principles and, therefore, prescribes severe and fixed punishments for organized crimes such as piracy. However, comparative studies indicate that a purely repressive criminal policy is insufficient for reducing crime, and the simultaneous implementation of social measures and regional cooperation is essential (15).

The principle of universal jurisdiction, recognized in international law as a legitimate basis for prosecuting pirates, has been only partially accepted in Iranian law. Under the interpretation of the Convention on the Law of the Sea, any state may arrest pirates anywhere on the high seas and prosecute them within its territory. This principle underpins global justice in addressing borderless crimes. However, its implementation in Iran's legal system faces obstacles, including the absence of explicit legislation and the lack of effective extradition agreements.

Accordingly, domestic studies have emphasized the necessity of reforming maritime laws and acceding to international mechanisms for combating piracy. One key proposal is the enactment of a specific "Anti-Piracy Law" in which punishments, jurisdictional rules, and international cooperation mechanisms are clearly defined. Such a law should be drafted in a manner that preserves jurisprudential foundations while aligning with accepted principles of international law. Overall, a comparison between Iran's penal system and international law demonstrates that both systems emphasize the necessity of punishing pirates; however, they differ fundamentally in terms of objectives, severity, and methods of enforcement. While international law has moved toward individualized punishment, restorative justice, and multilateral cooperation, Iran's penal system continues to rely on fixed punishments and absolute deterrence. Harmonizing these two systems requires revising national laws, clearly defining universal jurisdiction, and establishing specialized maritime courts so that enforcement of punishments achieves not only domestic legitimacy but also international acceptance.

The Impact of Legal Reforms on the Reduction of Piracy in Iran

Legal reforms in the field of piracy in Iran are regarded as one of the most effective instruments for enhancing maritime security and reducing organized crime in the country's southern waters. Prior to the legislator's focused attention on this area, piracy was addressed within the framework of general and traditional laws, such as *moharebeh* or armed robbery, and this, in practice, resulted in delays in judicial proceedings, disproportionality of punishments, and weakness in prevention. From the 2010s onward, with the increase in pirate attacks on Iranian vessels in the Gulf of Aden and the Sea of Oman, the government and the Islamic Consultative Assembly placed the reform of existing laws and the development of specialized mechanisms for confronting this phenomenon on their agenda. On the one hand, these reforms strengthened legal instruments for dealing with offenders, and on the other hand, they significantly improved coordination among military, security, and judicial institutions. As a result, Iran's success rate in countering this threat increased markedly.

The first major reform in this regard was the revision of the Islamic Penal Code enacted in 2013, under which conduct threatening public security, including violent acts at sea, came within the scope of *moharebeh* and *efsad-e fel-arz*. This reform caused pirates to be classified among offenders against national security and intensified the response against them. Previously, similar cases were generally prosecuted under titles such as theft or unlawful

seizure, which lacked sufficient deterrent effect. After the reform, courts were able to rely on Articles 279 and 286 of the new law to issue severe judgments, which had a tangible deterrent impact on the activities of pirate groups. For example, in 2015, during a naval operation by the Iranian Navy against Somali pirates, after several suspects were arrested, the Revolutionary Court of Bandar Abbas, for the first time, issued severe judgments under the title of *moharebeh*, and this approach played an important role in reducing repeated attacks.

The second reform concerns the Code of Criminal Procedure enacted in 2015, in which the jurisdiction of courts over crimes committed on the high seas and against Iranian vessels was clarified more precisely. In the past, overlapping jurisdiction among military courts, general courts, and special maritime prosecution offices caused delays in adjudication. With the amendment of this law, cases are now brought directly before the prosecution offices in Bandar Abbas and Bushehr, which possess special jurisdiction over maritime crimes. This concentration has expedited proceedings and improved coordination with the Navy in the collection of evidence. As a result, the duration of adjudication was reduced from several months to a few weeks, and the speed of issuing judgments increased.

Among the other effective reforms was the creation of a coordination mechanism among the Ports Organization, the Navy, and the Coast Guard. Pursuant to a memorandum signed in 2016 between the Ministry of Defense and the Ministry of Roads and Urban Development, a joint system for monitoring suspicious movements in Iran's territorial waters was designed. Using satellite data and reports from vessels, this system predicts the likelihood of piracy and issues immediate alerts. According to port authorities, in the first year of implementation, more than 70 operational warnings were issued and several unsuccessful piracy attempts were identified. This measure constitutes a practical example of the impact of legal reform combined with technology in crime prevention.

At the policy-making level, the adoption of the bill on combating organized maritime crimes was among the most important steps. Although this bill has not yet been fully enacted in final form, its provisions have clarified the responsibilities of different institutions in prevention, prosecution, and enforcement of punishments. In the draft of this bill, punishments for pirates range from 15 years' imprisonment to capital punishment, depending on the gravity of the offense and the extent of the harm caused. Moreover, for the first time, sanctions such as confiscation of maritime equipment, disqualification from employment in port-related activities, and compensation for damage suffered by crew members have been envisaged as ancillary guarantees. Such reforms have not only strengthened deterrence but have also introduced restorative and protective dimensions into Iran's penal system.

On the other hand, legal reforms also contributed to enhancing Iran's cooperation with international institutions. Following the adoption of national maritime security programs in 2018, Iran expanded its cooperation with the International Maritime Organization (IMO) and engaged in the exchange of information concerning suspicious activities in the Arabian Sea and the Gulf of Aden. This cooperation made Iran's trade routes safer and reduced potential attacks. For instance, according to a report by the Malaysian Maritime Information Center in 2018, attacks on vessels flying the Iranian flag in the Gulf of Aden had declined by more than 85 percent compared with 2010. This decrease was largely the result of legal reforms and institutional coherence that facilitated coordination at the international level. One practical example of the impact of reforms is the case of Somali pirates arrested in 2009. At that time, 12 Somali nationals were detained by the Iranian Navy near Yemeni waters. Due to the absence of a specific law, their trial lasted more than two years, and the issuance of a final judgment encountered jurisdictional difficulties. However, in a similar case in 2018, in which five pirates were arrested near the port of Chabahar, the adjudication process was completed in less than six months, and convictions were issued on the basis of the new

Islamic Penal Code. This difference demonstrates the direct effect of reforms in accelerating and clarifying the judicial process.

In addition to these measures, the reform of regulations relating to the training of ship crews and shipping companies also played a substantial role in reducing piracy. Under a resolution of the Ports and Maritime Organization in 2017, all maritime transport companies became obliged to conduct mandatory training programs to confront piracy threats. These courses included instruction in unarmed defense, emergency communication, and the use of warning systems. As a result, the preparedness of ship crews increased, and the success rate of pirates in seizing vessels was reduced to a minimum.

Furthermore, legal reforms to the Law on Combating the Smuggling of Goods and Currency enacted in 2013, through the addition of a special section on maritime crimes, made it possible to identify and pursue more rapidly the financial networks supporting pirates. Many maritime attacks are carried out with the financial backing of smuggling gangs; therefore, clarifying financial channels and strengthening banking oversight through this law reduced the financial capacity of piracy networks. Nevertheless, despite similarities that may be invoked in equating certain crimes with piracy, it cannot be explicitly asserted that piracy, in terms of its constituent elements, is entirely analogous to those offenses such that it could be prosecuted or punished solely on the basis of those examples. Therefore, it appears that the legislator should expressly provide for this criminal conduct and, while ensuring coordination and conformity with international conventions, specifically determine and enact the constituent acts of piracy through the adoption of the necessary regulations (16).

At the international level, through the implementation of legal reforms, Iran was able to participate in joint regional anti-piracy projects. For example, the “Gulf of Aden Maritime Security” initiative in 2019, Iran cooperated with Oman, India, and Pakistan in the exchange of security data. The result of this cooperation was a significant reduction in attacks within the Sea of Oman. These measures demonstrate that legal reforms were not merely effective at the domestic level, but also had an impact on Iran’s diplomatic capacity in the field of maritime security. At the enforcement level, legal reforms led to the strengthening of the jurisdiction of Iran’s Coast Guard. Pursuant to a resolution of the Supreme National Security Council in 2020, the duties of the Coast Guard in supervising the implementation of international conventions related to maritime security were expanded. This measure enabled the Coast Guard to stop vessels suspected of unlawful activity and to interrogate them on the basis of the new domestic laws.

Domestic Institutions and Their Responsibilities in Combating Piracy

In the legal system of the Islamic Republic of Iran, combating piracy requires coordination among several key institutions, each of which, on the basis of its legal competence, performs specific functions in the fields of maritime security, criminal prosecution, and international cooperation. Given Iran’s determination to expand its maritime transit capacity and secure a greater share of transit across the high seas, attention to maritime security and examination of the phenomenon of piracy and the means of combating it have become matters of concern for Iran. Like other members of the international community, and in line with United Nations Security Council resolutions, Iran has regarded the threat of piracy—especially Somali piracy—as a security threat against itself and has undertaken a combination of legal, political, and military measures through two of its organs, namely the Navy and the Ports and Maritime Organization, in order to confront it (17).

In fact, the most important domestic institutions responsible for combating piracy include the Navy of the Islamic Republic of Iran Army, the Navy of the Islamic Revolutionary Guard Corps, the Ports and Maritime Organization, the Ministry of Foreign Affairs, and the Judiciary. Within the framework of constitutional principles, criminal laws, and international regulations related to the law of the sea, these institutions perform their duties aimed at the prevention, detection, and suppression of maritime crimes, including piracy. The division of responsibilities among these institutions must be based on the principle of overlap and security coordination in order to prevent either interference or an enforcement vacuum.

The Navy of the Islamic Republic of Iran Army is the primary institution with a direct mission to maintain security in territorial and international waters. Within the framework of its missions, this force is responsible for patrolling, identifying threats, and directly confronting pirates. The mission of this force is grounded in the country's defense doctrine and aligned with the international law of the sea, especially the principles set forth in the 1982 Convention on the Law of the Sea. States are also authorized to act against piracy on the high seas, provided that their operations comply with the principles of necessity and proportionality. On this basis, the Iranian Navy has carried out international missions in the Gulf of Aden and the Bab el-Mandeb Strait to escort Iranian and neutral commercial vessels, which is justifiable within the framework of universal jurisdiction against piracy. Alongside it, the Navy of the Islamic Revolutionary Guard Corps, pursuant to the Law on the Duties and Powers of the Armed Forces and the macro-policies of the Supreme National Security Council, is responsible for protecting the waters of the Persian Gulf and the Sea of Oman. Relying on its intelligence and operational capabilities, this force plays a deterrent role against organized piracy rings and maritime smugglers. The presence of military forces in border waters is necessary not only for the defense of national interests but also for ensuring the general well-being of the maritime community and preventing disruption of the country's economic order.

The Ports and Maritime Organization also plays a key role in combating piracy from a civilian and technical perspective. The duties of this organization include formulating maritime safety regulations, coordinating with the International Maritime Organization (IMO), and training shipping personnel to respond to pirate threats. This organization is obliged to implement security guidelines in Iranian ports and vessels and to provide continuous reporting on the maritime security situation to international authorities. In addition, the Ports and Maritime Organization serves as a liaison between military agencies and the private maritime sector so that preventive measures may be implemented in a coordinated manner at operational and technical levels.

On the other hand, the Ministry of Foreign Affairs of the Islamic Republic of Iran is responsible for organizing international cooperation in the field of combating piracy. Such measures include participation in the implementation of United Nations Security Council resolutions and the conclusion of security memoranda with states bordering the Indian Ocean. The country's foreign policy should be formulated in a manner that ensures maritime security and effective participation in international forums, because combating piracy cannot be achieved solely through national power and requires regional and international cooperation.

The Judiciary, as the ultimate institution for the administration of criminal justice, is also responsible for adjudicating piracy offenses within national jurisdiction. On the basis of the principles of universal jurisdiction, it may hear cases in which perpetrators of piracy have been arrested in international waters and transferred to Iran. The exercise of judicial jurisdiction in such cases requires compliance with the principles of fair trial and the substantiation of charges on the basis of international evidence. This issue is of particular importance because, in

many piracy cases, evidence is obtained from international zones and requires cooperation among several states in the collection of proof.

In this context, the Supreme National Security Council, as the strategic institution for major security decision-making, formulates and approves comprehensive policies for confronting maritime threats, including piracy. In coordination with military and security institutions, this Council sets overall strategies for preventive, reactive, and diplomatic measures. The literature on maritime terrorism indicates that cooperation among military and security institutions under the supervision of this Council contributes to the integration of maritime crisis management and prevents fragmented decision-making.

At the technical and intelligence levels, institutions such as the Intelligence Organization of the Revolutionary Guard Corps, the Ministry of Intelligence, and the General Staff of the Armed Forces also play supervisory and supportive roles. These institutions are responsible for gathering intelligence on the operational routes of piracy networks and analyzing threats so that operational decisions can be made on the basis of real data. Analyses of the Somali experience have emphasized that accurate and timely intelligence is the most important instrument for successfully combating maritime banditry networks, and that without intelligence coordination, even military power lacks the necessary effectiveness. Therefore, the responsibilities of Iran's domestic institutions in combating piracy constitute a combination of military, legal, diplomatic, and technical duties, the synergy of which must be achieved within the framework of a comprehensive maritime policy. The continuity of this coordination not only guarantees the security of the country's maritime trade but also constitutes part of Iran's commitment to international maritime security.

Duties and Responsibilities of the Navy and the Iranian Coast Guard

In confronting modern forms of piracy—including cyberattacks against navigation systems, surveillance drones, fast boats, transnational networks, and the unlawful transfer of goods—the naval forces and the Coast Guard of the Islamic Republic of Iran bear extensive responsibilities, the legal basis of which is provided in the existing regulations, particularly the “Law on the Maritime Areas of the Islamic Republic of Iran in the Persian Gulf and the Sea of Oman” and the “Maritime Law.” Iran's sphere of jurisdiction includes the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf, and the law grants the Iranian government criminal and civil jurisdiction within these areas (Articles 10, 13, and 20 of the Law on Maritime Areas).

First, naval forces are required to exercise continuous and comprehensive surveillance over waters under national jurisdiction and, by monitoring operational data and utilizing drones, patrol craft, and offshore systems, identify suspicious activities. The Law on Maritime Areas authorizes the government to act within the contiguous zone in order to prevent violations of security, customs, fiscal, immigration, and environmental regulations (Article 13). Second, preventing the entry of unidentified vessels and controlling ship traffic pursuant to the executive bylaw of Article 28 of the Maritime Law are among the duties of the Port Guard and the Navy. Third, the conduct of active patrols, continuous exercises, and the deployment of patrol stations at strategic points is necessary to enhance deterrence. Public sources likewise identify the protection of territorial waters as one of the principal duties of the Iranian Navy. Fourth, transnational cooperation and the exchange of information with regional states and international maritime organizations are essential, because under Article 10 of the Law on Maritime Areas, Iran possesses jurisdiction to prosecute maritime offenses where national interests are affected. Fifth, the protection of ports, piers, oil routes, and vital shipping lanes through monitoring systems, secure routes, and warning equipment

is required pursuant to Article 3–4 of the Port Guard Regulations. Sixth, the development of information systems, threat analysis, the establishment of shared databases, and the use of artificial intelligence for the prediction of attacks are among the new responsibilities in this area. Seventh, specialized training of personnel for confronting cyber threats and rapid attacks is necessary, and this requirement is consistent with the responsibilities of a ship's master under Article 100 of the Maritime Law. Eighth, the detection, pursuit, and seizure of offenders and their referral to judicial authorities pursuant to Article 10 of the Law on Maritime Areas fall within the competence of the naval forces and the Coast Guard. Ninth, it is necessary to devise rapid response plans, retake vessels, and rescue crew members in situations of attack, similar to the responsibilities referred to in Article 96 of the Maritime Law.

Likewise, cooperation with judicial and customs authorities pursuant to Article 3 of the Port Guard Regulations, the establishment of technical laboratories for the examination of digital evidence, the assurance of accountability of operational units, the special control of sensitive routes pursuant to the authority to suspend passage under Article 8 of the Law on Maritime Areas, and the securing of navigation systems are among the other essential requirements.

In sum, the Navy and the Coast Guard are required, in addition to physical protection, to confront modern piracy through a technological, coordinated, and preventive approach and to establish sustainable maritime security in waters under Iran's jurisdiction.

The Role of Other Executive Bodies such as the Law Enforcement Force, the Judiciary, and the Ministry of Foreign Affairs

The role of other executive bodies of the Islamic Republic of Iran in combating modern forms of piracy, based on existing laws and international obligations, is complementary to and reinforces the functions of the naval forces and the Coast Guard. Each of these bodies—namely the Law Enforcement Force, the Judiciary, and the Ministry of Foreign Affairs—has distinct legal, security, and diplomatic roles that can be explained as follows: The Law Enforcement Force of the Islamic Republic of Iran, within the country's overall security structure and pursuant to the Law on the Establishment of the Law Enforcement Force enacted in 1990, is responsible for maintaining order, security, and enforcing laws throughout the country, including in ports, borders, and territorial waters.

According to Article 4 of the aforementioned law, the Law Enforcement Force is obligated, in cooperation with other forces, to prevent crimes against national security in borders, ports, and territorial waters. This responsibility includes cooperation with the Navy and the Coast Guard in detecting and countering piracy networks, identifying routes of illegal entry of goods, and preventing maritime smuggling and organized attacks against vessels. In fact, the Port and Maritime Border Police, as part of the law enforcement structure, is tasked with ensuring physical and public security in ports, docks, and port areas. These forces, possessing judicial officer authority, may seize suspicious vessels, inspect ships, and interrogate individuals involved in piracy-related activities. In other words, the Law Enforcement Force constitutes the land-based and port-oriented arm of anti-piracy efforts within the national structure and, in coordination with the Coast Guard, guarantees security at points of entry and exit of goods.

The Judiciary of the Islamic Republic of Iran, pursuant to Article 156 of the Constitution and the Code of Criminal Procedure enacted in 2013, is responsible for the prosecution, adjudication, and punishment of offenders, including those involved in piracy. According to Article 3 of the Code of Criminal Procedure, the prosecution of crimes falls within the jurisdiction of public and revolutionary prosecutor's offices unless specific jurisdiction is provided by law. Given that Article 10 of the Law on the Maritime Areas of the Islamic Republic of Iran affirms Iran's criminal

jurisdiction over offenses committed on vessels or within its territorial waters, the Judiciary has the authority to adjudicate cases of piracy and organized attacks within areas under Iran's jurisdiction.

Specialized maritime prosecutors, relying on reports from the Navy and the Coast Guard, may undertake investigative measures, arrest suspects, issue precautionary orders, and refer cases to revolutionary courts. Furthermore, pursuant to Article 49 of the Islamic Penal Code, crimes against national security and public order fall within the jurisdiction of specialized criminal courts, which may include organized piracy. In addition, the Judiciary is obliged to establish international judicial cooperation with other states for the extradition of maritime offenders or the exchange of criminal information, as explicitly provided in Article 4 of the Law on Extradition of Criminals enacted in 1960. Consequently, the Judiciary plays a central role in case formation, adjudication, and enforcement of punishments for pirates and, through coordination with Interpol and regional judicial institutions, can identify and prosecute international networks related to piracy.

The Ministry of Foreign Affairs of the Islamic Republic of Iran, based on the Law on the Duties of the Ministry of Foreign Affairs enacted in 1985, is responsible for policy-making, coordination, and the pursuit of international relations in all fields, including maritime security. According to Article 2 of this law, the Ministry is tasked with defending the interests of the Islamic Republic of Iran in international forums and participating in the conclusion of treaties and conventions. In the field of combating piracy, the Ministry of Foreign Affairs is responsible for facilitating multilateral cooperation with neighboring countries in the Persian Gulf, the Sea of Oman, and the Indian Ocean in order to counter piracy, including participation in regional anti-piracy mechanisms such as maritime security agreements within frameworks like the Indian Ocean cooperation arrangements or the International Maritime Organization.

This Ministry is also obligated, in situations where Iranian nationals or vessels are targeted by pirates outside territorial waters, to provide necessary legal and consular support through embassies and diplomatic missions. In coordination with the Supreme National Security Council, the Ministry of Foreign Affairs may also facilitate the conclusion of joint agreements with coastal states for anti-piracy operations, information exchange, and training of naval forces.

In the event of an international incident, the Ministry is required, within the framework of the 1982 United Nations Convention on the Law of the Sea—whose provisions Iran partially follows as customary international law—to defend Iran's rights and utilize diplomatic tools to seek compensation from states that have failed in combating piracy. Alongside these three principal institutions, other organizations also play supportive roles. The Ministry of Defense and Armed Forces Logistics is responsible for providing advanced monitoring and military technologies to the Navy, while the Ports and Maritime Organization, based on the Maritime Law and the Port Guard Regulations, is responsible for logistical coordination, training port personnel against piracy threats, and drafting safety protocols (16).

In conclusion, the Law Enforcement Force, with its preventive and policing approach in ports and maritime borders, the Judiciary, with its judicial and criminal jurisdiction in prosecuting and punishing offenders, and the Ministry of Foreign Affairs, with its diplomatic and international approach, constitute the three principal pillars of the national structure for combating piracy in the Islamic Republic of Iran. Coordinated cooperation among these three bodies, together with the Navy of the Army, the Islamic Revolutionary Guard Corps, and the Coast Guard, can lead to the establishment of a smart and multi-layered national maritime security system capable of protecting Iran's sovereignty, trade, and waters against modern forms of piracy.

Analysis of Iranian Criminal Laws on Piracy

In Iranian criminal law, the 2022 Bill on Combating Maritime Banditry defines piracy as the commission of the following acts against a ship or vessel, persons, or property therein, by its crew or passengers, or by the crew or passengers of another ship, vessel, or any non-military or non-governmental aircraft, or outside them, on the high seas or in any place beyond the jurisdiction of states, for private purposes: (a) seizing, capturing, detaining, or unlawfully taking control of a ship or vessel, with or without violence, by any means; (b) any coercive or violent act against a ship or vessel or against persons or property therein with the intent of unlawful seizure or control (Article 1 of the 2022 Bill on Combating Maritime Banditry).

The perpetrator of maritime banditry, depending on the case, is subject to one of the following punishments: (a) seizure or capture of a ship, punishable by imprisonment and a grade-two fine; (b) murder, hostage-taking, or kidnapping, punishable by imprisonment and a grade-two fine; (c) detention or unlawful control of a vessel, punishable by imprisonment and a grade-three fine; (d) causing any damage to a vessel, punishable by imprisonment and a grade-three fine; (e) inflicting bodily harm, including assault or amputation, punishable by imprisonment and a grade-four fine; (f) theft of property on board or causing damage thereto, punishable by imprisonment and a grade-five fine; (g) any disruption to the movement of a vessel or alteration of its route or destination, punishable by imprisonment and a grade-five fine (Article 2 of the 2022 Bill on Combating Maritime Banditry).

However, in Iranian criminal law, courts are sometimes confronted with the question of whether they possess jurisdiction over crimes committed *خارج از قلمرو ملی* (outside national territory), an issue that is also debated in international law, particularly because Iran has not ratified the 1958 and 1982 conventions, leading to uncertainty regarding judicial competence (18).

The historical record of piracy demonstrates that this crime has always posed a threat to maritime security and international trade, thereby underscoring the necessity of aligning domestic laws with international principles. Nevertheless, Iran has not yet enacted a specific law dedicated to combating piracy, and efforts have generally been undertaken within the framework of general criminal provisions (19). From the perspective of international law, piracy is considered an international crime subject to universal jurisdiction. This principle allows any state to prosecute and try perpetrators of piracy regardless of the place where the crime was committed.

In cases where piracy has occurred along international routes, Iran has acted on the basis of this principle; however, the absence of independent domestic legislation has created practical difficulties. Judicial responses in Iran are constrained by the lack of a specific legal framework and insufficient alignment with international standards. These limitations include issues related to determining jurisdiction, collecting evidence, and cooperating with states whose vessels have been attacked. Empirical research and academic studies indicate that Iran could address these legal gaps and strengthen its judicial capacity by adopting a specific anti-piracy law, including precise definitions of the offense, its legal elements, punishments, and mechanisms for international cooperation (20).

International conventions, including the 1982 United Nations Convention on the Law of the Sea and the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, provide a framework for aligning Iran's actions with the international community. Compliance with these conventions enhances international cooperation and improves the effectiveness of countermeasures. One of the most important necessary measures is the specialized training of judges in maritime law and international law so that adjudication may be

conducted accurately and in accordance with international standards. Studies indicate that such training can prevent judicial errors and enhance the effectiveness of responses to piracy. Another challenge concerns operational limitations in pursuing pirates. The absence of international coordination, legal issues related to the coasts of other states, and operational difficulties hinder the effective enforcement of criminal laws (21).

Iran must, by establishing an appropriate legal infrastructure and aligning with international instruments, play an active role not only in prosecuting offenders but also in preventing maritime crimes. The use of modern technologies, strengthening naval presence, and cooperation with international organizations are among the effective measures in this field. Repressive criminal policies alone cannot effectively reduce piracy, and it is necessary for Iran to implement preventive and educational policies alongside criminal punishments. International research emphasizes that piracy is a global challenge and that effective confrontation requires extensive cooperation among states and international organizations. Given its geographical position and the importance of maritime navigation, Iran must actively participate in such cooperation (22).

Iran may also, by proposing the establishment of a specialized international tribunal for piracy, prosecute not only domestic offenders but also international criminals and align its judicial standards with the international community. Studies have shown that adopting measures consistent with the recommendations of the International Maritime Organization and employing defensive technologies on vessels can play an effective preventive role in reducing pirate attacks. Ultimately, the analysis of Iranian criminal law in the field of piracy demonstrates that, without the enactment of an independent law and alignment with international law, effective counteraction to this crime will not be possible. Enhancing judicial capacity, training judges, and expanding international cooperation are among the most important proposed measures for strengthening Iran's maritime security.

Examination of the Iranian Piracy Bill and Analysis of Its Provisions (20 Articles)

The Iranian Piracy Bill has been drafted with the aim of addressing the legal vacuum in the field of crimes related to maritime security—a domain that has gained increasing importance with the rise of organized maritime groups and attacks on commercial vessels and oil tankers in regions such as the Gulf of Aden and the Sea of Oman. This bill, consisting of 20 articles, seeks to define the crime of piracy, determine judicial jurisdiction, and establish mechanisms for combating it, in order to protect Iranian and foreign vessels and crews in international waters. Its framework is influenced by the Convention on the Law of the Sea and related international instruments, while also taking into account Islamic principles, national security considerations, and the requirements of public international law.

In its initial provisions, piracy is defined as violent acts or unlawful seizure of vessels on the high seas, and a distinction is drawn between this crime and maritime offenses occurring within territorial waters. The bill also recognizes the principle of universal jurisdiction and authorizes Iranian courts to prosecute perpetrators of piracy regardless of nationality or place of commission. The elements of the offense are broadly enumerated in subsequent articles and include seizure of vessels, harm to crew members, theft of cargo, hostage-taking, and support for piracy groups.

With respect to judicial jurisdiction, Iranian courts are empowered to adjudicate even in cases where the offense is committed on the high seas, particularly when Iranian interests or vessels are at risk. The bill also provides for international cooperation in extradition and the exchange of information, subject to security considerations and legal principles. In the section on punishments, a range of sanctions is envisaged, from long-term imprisonment to capital

punishment in severe cases such as intentional killing or serious threats to national security, and separate penalties are prescribed for accomplices and financial supporters.

In addition, provisions are included concerning confiscation of property, compensation for victims, maritime pursuit operations by military forces, and the protection of the rights of detainees. The bill also emphasizes preventive measures, crew training, and the establishment of a national committee for combating piracy. Overall, this bill represents a significant step in the development of Iran's maritime law and in strengthening the country's role in maritime security, although certain ambiguities remain, particularly with regard to jurisdictional issues and the protection of defendants' rights.

Evaluation of the Punishments Provided in the Bill

In evaluating the punishments provided in the 2022 Bill on Combating Maritime Banditry, it must be stated that this bill constitutes the first significant and structural step toward defining piracy-related crimes within Iran's criminal law. Nevertheless, its strengths and weaknesses are also relatively evident. First, Article 2 of the bill prescribes imprisonment accompanied by monetary fines for each of the specified acts; for example, the seizure or capture of a vessel is punishable by imprisonment and a grade-two fine. This approach reflects the legislator's intention to impose definite criminal sanctions, which may be considered effective from a preventive standpoint. At the same time, the classification of punishments from grade two to grade five based on the severity of the act and its consequences represents another strength, as it partially upholds the principle of proportionality in criminal justice with respect to the elements of maritime banditry. In this regard, it can be argued that the bill attempts to establish a proportional relationship between the gravity of the offender's conduct and the degree of punishment.

However, on the other hand, this classification, accompanied by expressions such as "grade-three imprisonment and fine," "grade four," and "grade five," as well as aggravation in cases involving environmental damage or the presence of women and children among passengers, although innovative, still entails ambiguities. For instance, the precise duration of imprisonment and the exact amount of fines for each grade are not explicitly specified in the text of the bill; in other words, the grades are mentioned, but their numerical ranges are not clearly defined. This situation may result in ambiguity or divergent interpretations by judicial authorities when imposing punishments. From the perspective of legal certainty and the guarantee of criminal justice, this constitutes a notable weakness. Furthermore, although the aggravation of punishment in the notes to Article 2—particularly in cases of severe environmental harm or the presence of vulnerable individuals—is positively evaluated, the reference to "an increase of one degree" without a clear definition of the grading system may lead to inconsistencies in practice.

Another point is that the bill, by providing for aggravation under Article 5 (where the crime is committed using a governmental or military vessel, the punishment is increased by one degree), adopts a supplementary approach that demonstrates the legislator's attention to the circumstances of the offense. This measure is significant from a deterrence perspective and, within the framework of criminal policy, is considered effective in intensifying the penal consequences of organized conduct and the misuse of public resources. Conversely, the possibility of increasing punishment by only "one degree" may be excessive in less serious cases if the range of each degree is not proportionate, and the bill provides limited scope for mitigation or special mitigating circumstances. The bill also stipulates that these crimes are not subject to statutes of limitation. From the perspective of international law and the experience of countries affected by piracy, this is a necessary provision, as offenders may otherwise benefit from de facto impunity over time. While this is a positive aspect, its practical implementation requires robust judicial

mechanisms, reliable evidence, and international cooperation; in jurisdictions with weaker legal infrastructures, enforcement of this rule may face difficulties.

Nevertheless, from the standpoint of proportionality between crime and punishment, although the bill incorporates different levels of sanctions, comparative analysis with international practice indicates that some countries, in addition to imprisonment and fines, employ supplementary measures such as confiscation of property, lifetime bans from maritime employment, or specific penalties for financial supporters of piracy networks. In comparison, it can be argued that the Iranian bill has not yet fully utilized the complete range of deterrent instruments and may require further development in subsequent legislative stages.

With respect to enforcement mechanisms, the bill provides in Articles 6 and 7 that the competent courts are the Tehran Criminal Court One or the Tehran Military Court One, and that preliminary investigations are to be conducted by a special prosecutor appointed by the Head of the Judiciary. The designation of a specific court and a specialized prosecutor is important from the perspective of procedural specialization; however, the bill pays comparatively limited attention to the legal guarantees of the accused, such as the right to defense, participation in proceedings, and transparency of adjudication, or at least these aspects are not sufficiently emphasized. From a criminal law perspective, this may be considered a critical shortcoming, as procedural safeguards must be balanced with the determination of punishments in order to fully ensure criminal justice.

Accordingly, it can be concluded that the Bill on Combating Maritime Banditry represents a highly significant step toward criminalization, determination of punishments, and clarification of judicial jurisdiction in the field of piracy. Nevertheless, it still faces ambiguities in its enforcement provisions, the precise determination of punishments, the protection of defendants' rights, and the incorporation of comprehensive deterrent mechanisms.

Therefore, it is recommended that, during final enactment and implementation, the provisions be carefully reviewed, clear clauses on aggravating and mitigating circumstances be added, and detailed regulations and guidelines be provided for defining the grading system and the numerical limits of punishments, so that both criminal justice and legal deterrence may be effectively ensured.

Evaluation of Enforcement and Supervisory Mechanisms in the Bill

An analysis of the enforcement and supervisory mechanisms contained in, or proposed by, the "Piracy Bill" of the Islamic Republic of Iran reveals several noteworthy points. It should be noted that the full and final text of the bill has not yet been comprehensively published; therefore, the present analysis is based on official announcements and related documents.

First, from an enforcement perspective, the mechanism for determining jurisdiction over piracy-related offenses is addressed in the bill and accompanying governmental documents. The Iranian government has stated that the bill was approved by the Cabinet in July 2022 and subsequently submitted to Parliament. In this bill, the principle of universal jurisdiction is emphasized, meaning that even if the offense occurs outside national jurisdiction or the offender and victim are not Iranian nationals, the Islamic Republic of Iran may exercise jurisdiction and impose punishment. If effectively operationalized, this mechanism could reduce the existing legal gap concerning maritime crimes committed on the high seas or far from Iranian territory.

Second, from a supervisory standpoint, the bill refers to international cooperation and the exchange of information between Iranian institutions and other states or maritime bodies. Iran has acknowledged in its statements to the United Nations General Assembly that, in the course of combating piracy, it has deployed naval

fleets to the Gulf of Aden and engaged in international cooperation. This indicates that oversight is not confined to the domestic sphere but extends to regional and international roles. However, the formal text of the bill does not appear to provide detailed mechanisms for information exchange, reporting, or performance evaluation—at least based on currently available documents. This omission may hinder comprehensive implementation.

Third, in the enforcement domain, law enforcement, military, and maritime agencies play a central role. For example, reports indicate that Iran's naval fleet has been active for years in the Gulf of Aden and the Bab el-Mandeb region. This demonstrates that the bill intends to utilize the operational capacity of armed and maritime forces for the arrest or detention of piracy suspects. The integration of naval forces, law enforcement/coastal units, and border guards, if accompanied by an effective judicial and supervisory framework, can contribute to deterrence (23).

Fourth, the bill incorporates deterrent mechanisms by prescribing severe punishments for perpetrators of piracy. According to Iran's reports to the United Nations, piracy is classified as a "non-prescriptive crime," meaning that it is not subject to statutes of limitation. This enhances deterrence in terms of temporal scope and reflects the legislator's emphasis on continued monitoring and prosecution even after long periods.

Fifth, despite these strengths, significant challenges exist in the enforcement and supervisory framework. One of the most critical issues is the lack of transparency in procedures for adjudication, reporting, and performance evaluation within the bill. For instance, it is unclear which institution is responsible for monitoring the implementation of the law, reporting to the government or Parliament, or evaluating outcomes. Available documents do not clearly indicate the establishment of a coordinating committee or supervisory body. This deficiency may result in a situation where, despite having substantively adequate provisions, the law fails to achieve effectiveness due to the absence of a monitoring mechanism (23).

Sixth, although the bill emphasizes international cooperation, it does not clearly set out mechanisms for continuous information exchange, mutual legal assistance, extradition of offenders, or guarantees of the rights of foreign defendants. For example, while United Nations reports indicate that such provisions have been incorporated, details regarding extradition procedures, judicial access for defendants, or diplomatic immunities have not been publicly clarified. This gap may lead to both legal and practical deficiencies.

Seventh, one of the strengths of the bill is the provision for addressing the instrumental dimension of the crime, including confiscation of assets. The legislator recognizes that piracy is not limited to direct acts but involves tools and logistical support such as fast boats, weapons, and equipment. By providing for confiscation of assets and instrumentalities of crime, the bill seeks to establish a financial and legal enforcement mechanism. However, the details regarding implementation—such as seizure procedures, disposal of assets, and allocation of proceeds—have not been clearly articulated in the available text.

Eighth, from the perspective of supervisory effectiveness, it must be noted that Iran's operational capacity for extraterritorial enforcement of piracy laws requires multi-agency coordination among the Navy, border guards, specialized prosecutors, the Ministry of Foreign Affairs, and security institutions. Although the involvement of these bodies is referenced in the bill or related reports, the precise delineation of responsibilities, division of labor, and guarantees of judicial independence in oversight functions are not clearly defined. This ambiguity may lead to overlapping or unclear responsibilities among institutions and impede effective adjudication.

Ninth, in evaluating enforcement mechanisms, an important criterion is the alignment of the law with regional realities. Iran is situated in a region where piracy and attacks on commercial vessels constitute significant security threats. Official reports indicate that the Islamic Republic of Iran has played an active role by deploying naval forces

to the Gulf of Aden. Therefore, existing operational capacities can serve as a strong foundation for the implementation of the law. However, without the establishment of precise monitoring and accountability mechanisms, these capacities may function flexibly but not necessarily produce sustainable effectiveness.

Tenth, regarding oversight of implementation, it is essential for the legislator to incorporate mechanisms for periodic reporting, performance evaluation, and legislative review. Such provisions are not clearly reflected in the available documents. Transparency in reporting to Parliament or the executive, the establishment of performance indicators, and the publication of adjudication statistics are among the features commonly found in jurisdictions with advanced supervisory systems, yet the present bill appears to provide limited public information in this regard.

In sum, the Iranian Piracy Bill demonstrates a clear legislative intent to establish appropriate enforcement and supervisory mechanisms, including universal jurisdiction, asset confiscation, the involvement of naval forces, and international cooperation. However, the primary challenge lies in the “details of the oversight and accountability system.” If this aspect is strengthened—through the clear definition of a coordinating authority, performance evaluation mechanisms, reporting obligations to legislative bodies, guarantees of defendants’ rights, and transparency in implementation—its effectiveness can extend beyond mere formal enactment. Otherwise, the bill risks remaining largely symbolic rather than functionally impactful.

Proposed Amendments to the Iranian Piracy Bill

The Iranian Piracy Bill represents a forward step in regulating offenses and ensuring maritime security; however, it contains significant deficiencies that necessitate reform. First, the definition of piracy in the bill is limited and does not encompass behaviors such as threats, financial support, or intelligence cooperation with criminal networks. It therefore requires redefinition in accordance with broader international legal standards. In addition, it is recommended that the jurisdiction of Iranian courts be clearly specified—particularly the boundary between military and ordinary courts—and that specialized maritime prosecution offices be established in major ports to centralize judicial handling of such offenses.

Furthermore, the bill must guarantee the procedural rights of non-Iranian nationals, including access to legal counsel, interpreters, and fair trial standards, in order to avoid international human rights criticisms. Protection of crew members and victims’ families should not be limited to general compensation; rather, the establishment of a dedicated support fund is necessary.

From an enforcement perspective, the lack of clarity regarding coordination mechanisms between military and judicial authorities, as well as detention periods, constitutes a legal gap that should be addressed by defining clear timelines for transferring detainees and delineating institutional powers. In the field of sanctions, classification and proportionality are essential, and provisions for suspension, mitigation, or conditional release in cases of cooperation with authorities should be incorporated.

Moreover, the establishment of a permanent committee for evaluating the implementation of the law, mandatory training for maritime crews, development of maritime early-warning systems, creation of a national electronic vessel tracking center, and provision of sustainable funding through a dedicated fund—alongside full alignment with international regulations—would ensure the effectiveness and credibility of the bill in combating piracy.

Conclusion

Piracy has long been one of the fundamental threats to maritime security and international trade, and with the expansion of maritime transport and the emergence of modern forms of this phenomenon, the complexity of combating it has increased. Modern piracy extends beyond traditional attacks to include transnational organized activities, the use of advanced navigational and surveillance technologies, and even cyberattacks targeting maritime security. The international community, particularly through the United Nations Security Council, has recognized this phenomenon as a threat to international peace and security and has emphasized the necessity of international cooperation, the application of universal jurisdiction, and the elimination of impunity for perpetrators.

Despite these efforts, practical obstacles—such as the absence of comprehensive enforcement systems, legislative inconsistencies, divergent legal definitions, and weak mechanisms for judicial cooperation—have reduced the effectiveness of anti-piracy policies. In the domestic laws of many countries, including Iran, piracy has not been precisely criminalized, and clear enforcement mechanisms have not been established. This legal gap complicates the effective application of universal jurisdiction and the prosecution of offenders, even in international waters. Nevertheless, the absence of an independent criminal category for “modern piracy” does not entirely preclude criminal prosecution, as many related acts may still be pursued under existing criminal provisions.

Within this framework, an effective criminal policy requires a combination of proactive and reactive approaches: on the one hand, prevention through strengthening maritime surveillance, cybersecurity, and regional cooperation; and on the other hand, prosecution of offenders through the application of universal jurisdiction and international mechanisms. For Iran, given its strategic position in the Persian Gulf and the Sea of Oman, the development of comprehensive criminal legislation aligned with international standards is essential. Reform of the piracy bill, coverage of modern forms of the offense, establishment of deterrent sanctions, and creation of effective mechanisms for judicial and international cooperation are prerequisites for achieving sustainable maritime security and protecting international trade.

Recommendations

1. Development of a reactive criminal policy in Iran based on the principle of universal jurisdiction: utilizing frameworks such as UNCLOS and SUA for the criminalization, prosecution, and adjudication of pirates, even in the absence of a direct connection to Iran, in order to ensure an effective and internationally aligned penal response.
2. Establishment of specialized branches for maritime crime adjudication: allocating specialized judicial branches in Iranian courts to expedite proceedings and align with international standards, combining proactive efficiency with reactive prosecution.
3. Utilization of advanced technologies and intelligent data systems: employing drones, radar systems, and satellite data analysis to monitor routes and predict threats as part of a proactive strategy for crime prevention and reduction.
4. Integration of preventive and deterrent policies: emphasizing prevention, rehabilitation, and reduction of the economic incentives for piracy alongside punitive measures to decrease long-term crime rates.

5. Establishment of regional “virtual courts” with international legitimacy: leveraging technology to conduct regional trials without requiring the physical presence of defendants in Iran, thereby enhancing efficiency and alignment with international standards such as those of the ICC and SUA frameworks.
6. Strengthening the training of judges and law enforcement personnel: implementing specialized training programs in piracy and international maritime law to improve the accuracy and effectiveness of judicial and enforcement actions.
7. Imposition of transparency requirements on shipping companies: requiring international shipping companies to register routes and report suspicious activities in order to strengthen criminal prevention and civil liability mechanisms.

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Authors' Contributions

All authors equally contributed to this study.

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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.

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References

1. Razavifard B, Faraji M. International Criminal Law. Tehran: Mizan Publishing; 2015. 123 p.
2. Kazemi SS. Human rights considerations in the criminal confrontation with the phenomenon of piracy. Human Rights Biannual. 2020;15(1):34-5.
3. Guilfoyle D. Shipping Interdiction and the Law of the Sea: Cambridge University Press; 2019. 135-49 p.
4. Khani Hemmatabad F. The necessity of criminalizing piracy in Iranian criminal law [Master's Thesis]: University of Isfahan, Faculty of Administrative Sciences and Economics; 2020.
5. Ziaei AH. Piracy [Master's Thesis]: Shiraz University, Faculty of Law and Political Science; 2012.
6. Sarfaraz R. Challenges of applying universal jurisdiction over the crime of piracy from the perspective of international criminal law [Master's Thesis]: Farvardin Higher Education Institute; 2024.
7. Feizi Y. Investigating the measures of the international community to combat maritime piracy with an emphasis on Iranian criminal law [Master's Thesis]: Islamic Azad University, Ardabil Branch, Faculty of Humanities; 2018.

8. Ghasemi G. Actions of the international community in countering modern piracy. *Iranian Research Letter of International Politics*. 2019;7(2):43.
9. Mohaghegh G. Investigating the role and position of the Coast Guard in applying maritime security conventions with an emphasis on the Marine Guard of the Islamic Republic of Iran [Master's Thesis]: Payame Noor University of Bushehr Province, Assaluyeh Center; 2021.
10. Sourì M. Piracy. *Proceedings of Piracy from the Perspective of International Law*. Tehran: Iranian Association for UN Studies; 2010. p. 21.
11. Shamlou B, Sajjadi SA. Challenges of the contemporary international legal system in the effective fight against piracy. *Criminal Law Doctrines Quarterly*. 2018(51):93-126.
12. Shojaei Asl Kalibar R. Piracy in the light of international documents. *Qezavat Monthly*. 2021(72):65.
13. Abdolhosseini A. Piracy and the security of the Islamic Republic of Iran (2005-2013) [Master's Thesis]: School of International Relations, Ministry of Foreign Affairs; 2022.
14. Farnoush J. Rules and mechanisms of the international community and Iran in the field of maritime crimes. *International Relations Research Quarterly*. 2021;10(2):110.
15. Mohammadbagheri G. Criminological investigation of piracy [Master's Thesis]: University of Tehran, Faculty of Law; 2011.
16. Foroughifar J, Mazidi Sharafabadi A, Rahmat MR. Rules and mechanisms of the international community and Iran in the field of maritime crimes. *International Relations Research Quarterly*. 2020;10(2):119.
17. Sajjadpour SMK, Abdolhosseini A. Iran and the security threat of piracy. *Foreign Policy*. 2017;31(3):7.
18. Cheshmeh Khavar Sa-D. Piracy from the perspective of international law: Investigating the legal effects of Security Council resolutions on international law. *Proceedings of Piracy from the Perspective of International Law: Iranian Association for UN Studies*; 2019. p. 123.
19. Hasanpour M, Mirarab Razi R. The necessity of criminalizing piracy in Iranian criminal law. *Political Science, Law and Jurisprudence Studies*. 2017;3(2):37-45.
20. Hoseinpour K, Irani S. Legal challenges and perspectives of applying Iran's jurisdiction in the fight against pirates, emphasizing the education of the law of the sea. *Journal of Marine Science*. 2018(42):4.
21. Khabazi Kenari M. IMO's proposal to use firearms on ships to combat pirates. *Payam-e Darya Monthly*. 2010(45):114-24.
22. Sobhanifar MJ, Nabavi SM, Ghasempour E. The theory of establishing an international court to combat the crime of piracy. *Law Quarterly, Journal of the Faculty of Law and Political Science, University of Tehran*. 2013;43(4):113-28.
23. Seifi B. An analysis of the performance of the Islamic Republic of Iran in providing maritime security with an emphasis on combating piracy within the framework of international law (presenting educational approaches). *Marine Science Education*. 2023;10(1):9.