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Legal Foundations of the Prosecutor's Mandate and Priority Areas of Action Across Different Domains of Public Rights

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ABSTRACT

Public rights encompass collective, diffuse, and intergenerational interests whose protection cannot always be achieved through individual litigation or ordinary administrative mechanisms. In the Iranian legal system, the prosecutor occupies a central position in safeguarding these rights because the office represents the public interest, initiates public prosecution, supervises criminal investigations, and may intervene when serious violations affect society as a whole. This article examines the legal foundations, forms, limits, and priority domains of the prosecutor's mandate in protecting public rights. Using a descriptive-analytical legal method, the study analyzes constitutional principles, criminal-procedure rules, sector-specific legislation, judicial directives, and relevant legal scholarship. The findings indicate that the prosecutor's mandate is grounded in a layered legal framework consisting of the Judiciary's constitutional responsibility to revive public rights, procedural powers relating to public prosecution, substantive criminal provisions, and specialized laws governing public health, economic order, natural resources, environmental protection, public infrastructure, and cyberspace. Prosecutorial intervention may take preventive, criminal, civil, administrative, and restorative forms. However, the exercise of these powers must remain subject to legality, competence, necessity, proportionality, due process, institutional separation, transparency, and respect for individual freedoms. The principal priority areas include economic welfare and market integrity, food and medicine safety, water and energy security, protection of public infrastructure, environmental preservation, natural resources and public lands, and collective interests in the digital environment. The article further argues that prosecutorial priorities should be determined according to the scale, severity, immediacy, irreversibility, and systemic character of harm, as well as the vulnerability of affected populations and the failure of administrative authorities to respond effectively. It concludes that effective protection of public rights requires clearer legislation, specialized prosecutorial units, interdisciplinary expertise, structured interagency coordination, transparent decision-making, and greater participation by civil-society and professional organizations.

Keywords: *Public Rights; Public Prosecutor; Public Interest; Prosecutorial Intervention; Environmental Protection; Economic Rights; Digital Rights; Iranian Legal System*

Introduction

The protection of public rights has become one of the most consequential yet conceptually difficult responsibilities of contemporary judicial systems. Social relations are no longer organized exclusively around bilateral disputes in which an identifiable claimant seeks a remedy against a particular defendant. Modern societies are increasingly exposed to conduct whose harmful consequences are dispersed among large groups, affect collective resources, threaten future generations, or impair essential conditions of social life without necessarily producing a single victim capable of initiating legal proceedings. Environmental pollution, disruption of access to essential commodities, contamination of food and medicine, unlawful exploitation of water and natural resources, unsafe public infrastructure, large-scale violations of consumer interests, and systemic harms in cyberspace illustrate situations in which the protected interest cannot be reduced to the private rights of particular individuals. The concept of public rights has consequently developed as a legal framework through which the interests of society, broad categories of citizens, and future beneficiaries of common resources may be identified and protected. The ontology of public rights is connected to their collective character, the broad distribution of their benefits, and the social consequences of their violation (1). Public rights therefore constitute more than an aggregation of individual entitlements; they express legally protected conditions necessary for collective security, public welfare, social justice, and the continuity of an orderly community.

Despite its significance, public rights remain difficult to define with precision. In some contexts, the term refers to constitutional rights belonging equally to all citizens, while in others it encompasses public interests, collective rights, common resources, social welfare, public order, or the legal duties of governmental institutions. The concept has also expanded under the influence of technological and social transformation, particularly as access to information, data protection, digital security, and reliable online services have acquired consequences extending beyond conventional private relationships (2). A broad definition may allow the legal system to respond to emerging forms of collective harm, but excessive breadth can transform public rights into an indeterminate formula capable of justifying intervention in almost every area of social life. Conversely, a narrow definition confined to expressly enumerated constitutional rights may leave serious collective interests without an effective representative or remedy. The distinction between public rights, collective rights, governmental interests, and private rights is thus not merely theoretical. It determines who may initiate proceedings, what remedies may be requested, which institution possesses jurisdiction, and how far coercive governmental action may legitimately extend. The concept must be sufficiently flexible to cover diffuse and emerging harms while remaining sufficiently determinate to preserve the principles of legality and institutional competence (3).

The prosecutor occupies a distinctive position in this field because the institution of prosecution is traditionally understood as the representative of society in the criminal process. The prosecutor does not pursue a personal claim and should not act as the legal representative of a particular governmental department. Instead, the prosecutor exercises public authority to defend legality, respond to offenses affecting social order, supervise the lawful commencement of criminal proceedings, and represent the public dimension of crime before the courts. This institutional position makes the prosecutor a plausible guardian of interests that lack an individual claimant. Iranian legal scholarship has accordingly associated the prosecutor's public mandate with the protection of social interests, prevention of serious violations, and legal response to conduct that affects the community as a whole (4). Comparative examination of the Iranian legal system has similarly emphasized that the prosecutor's duties may extend beyond conventional prosecution when public rights are threatened and no private litigant is capable of providing an adequate institutional response (5). The prosecutor's involvement is particularly important where the violation is systemic, the responsible actor is economically or administratively powerful, the harm is widely dispersed, or delayed intervention would make restoration impossible.

The relationship between prosecutorial authority and public rights is nevertheless marked by a fundamental tension. Effective protection frequently requires intervention before irreversible damage occurs, yet the conventional powers of a prosecutor are most clearly defined after legally prohibited conduct has taken place. Public-rights protection may require coordination with administrative bodies, regulatory agencies, technical experts, municipalities, environmental authorities, consumer organizations, and civil-society institutions, but the prosecutor remains a judicial authority rather than a general administrator. The prosecutor may need to prevent dangerous conduct, but preventive intervention must not circumvent the requirement of a clear legal basis. The prosecutor may seek to stop institutional omissions, but should not substitute personal judgment for the technical and statutory discretion of specialized agencies. The prosecutor may act in the name of society, but must avoid equating governmental policy with public interest. These tensions demonstrate that the legitimacy of prosecutorial protection depends not only on the importance of the interest defended but also on the legal nature, procedure, proportionality, and institutional limits of the intervention.

The Iranian constitutional framework provides a significant normative foundation for judicial protection of public rights. The constitutional responsibility of the Judiciary to restore public rights, supervise the proper implementation of laws, administer justice, and prevent crime establishes an institutional obligation that cannot be confined to the settlement of private disputes. Iranian public-law scholarship has interpreted this responsibility as requiring judicial structures capable of responding to collective interests and violations that remain unaddressed by ordinary private litigation (6). The constitutional framework also recognizes substantive interests related to equality, security, health, social welfare, education, environmental protection, access to justice, public property, and national wealth. Crimes or unlawful administrative practices affecting these interests may have consequences that extend far beyond an individual complainant. The prosecutor, as a judicial officer responsible for public prosecution and the representation of societal interests, therefore performs an important operational function within the broader constitutional responsibility of the Judiciary.

However, constitutional responsibility alone does not answer the practical questions surrounding prosecutorial intervention. It does not automatically determine whether the prosecutor may issue a warning, request an inspection, seek suspension of an activity, initiate a criminal case, bring a civil claim, demand restoration of public property, or compel an administrative body to perform its duties. These measures must be grounded in procedural legislation, sector-specific statutes, legally recognized judicial powers, and the competence of the relevant court. Criminal procedure provides the general architecture of public prosecution, preliminary investigation, supervision of judicial officers, evidence gathering, charging, and representation of the public case (7). Sector-specific laws define offenses and regulatory duties concerning matters such as environmental protection, public health, natural resources, competition, infrastructure, and information technology. Judicial directives may organize the manner in which prosecutors receive reports, communicate with executive bodies, prioritize public-rights cases, and monitor institutional compliance, but such directives should not be understood as independent sources of coercive authority beyond statutory law.

The practical importance of this distinction is apparent in the obstacles that have prevented the optimal realization of public rights in Iran. Ambiguity in the definition of public rights, overlapping authority among judicial and administrative institutions, insufficient specialization, weak interagency coordination, limited public participation, inconsistency among prosecutorial offices, and political or economic pressures can prevent effective intervention or result in selective and unpredictable action (8). Structural reform has therefore been presented as a necessary component of public-rights protection, because a broad constitutional declaration is unlikely to produce consistent results unless it is translated into coherent norms, specialized procedures, transparent priorities, and accountable institutions (9). The problem is not simply that prosecutors lack authority. In some circumstances, the more serious concern is that the boundaries, triggers, and remedies of that authority are insufficiently articulated.

The diversity of public-rights violations further complicates the prosecutor's mandate. Economic and livelihood-related harms require knowledge of market structures, competition, distribution systems, consumer law, and the difference between ordinary commercial misconduct and systemic disruption. Food, medicine, and health cases require scientific evidence and coordination with regulatory laboratories and health authorities. Water and energy cases involve technical infrastructure, allocation rules, environmental obligations, and continuity of essential services. Environmental and natural-resource cases frequently involve irreversible damage, cumulative causation, corporate responsibility, and the interests of future generations. Digital cases raise questions concerning personal data, platform responsibility, cybersecurity, freedom of expression, access to information, and the territorial limits of jurisdiction. A uniform form of prosecutorial action cannot adequately address all these domains. What is required is a differentiated model that connects the nature of the protected interest to the appropriate preventive, criminal, civil, administrative, or restorative mechanism.

The objective of this article is to identify and systematize the legal foundations of the prosecutor's mandate in protecting public rights and to determine the principal forms, limitations, and priority domains of prosecutorial intervention in the Iranian legal system. It addresses the meaning of public rights, the institutional position of the prosecutor, the constitutional and statutory foundations of intervention, the distinction among preventive and reactive mechanisms, and the conditions under which particular fields should receive prosecutorial priority. The article employs a descriptive-analytical legal method and develops its argument through the interpretation of constitutional principles, criminal-procedure doctrine, sector-specific legal responsibilities, and the institutional characteristics of public prosecution. Its central proposition is that the prosecutor possesses an important but legally bounded mandate: public-rights protection justifies active and, where necessary, preventive action, but does not create an unlimited competence to regulate society, replace executive agencies, or restrict lawful freedoms without clear authority and procedural safeguards.

Conceptual and Legal Foundations of the Prosecutor's Mandate

A coherent account of prosecutorial responsibility must begin with a legally workable conception of public rights. Public rights may be understood as legally protected interests whose enjoyment, preservation, or impairment concerns society as a whole, an indeterminate body of persons, a broad category of citizens, or successive generations. Their defining characteristic is not merely that many people happen to possess similar private claims. Rather, the protected interest has a collective dimension that cannot be adequately divided, transferred, waived, or enforced through isolated individual proceedings. Clean air, safe drinking water, the integrity of public lands, the reliability of essential infrastructure, food and medicine safety, and the security of major digital systems are not enjoyed in the same manner as a private contractual entitlement. Their protection produces shared benefits, while their violation may cause diffuse, cumulative, and socially distributed injury. Legal analysis of public and collective rights has emphasized that these concepts are linked to common interests and institutional responsibilities that transcend the traditional model of individual ownership or bilateral obligation (10).

Public rights must nevertheless be distinguished from several related concepts. A private right belongs to an identifiable legal person and is ordinarily enforceable by that person through a claim for performance, cessation, compensation, or another individualized remedy. A collective right may belong to a definable group, such as members of a profession, residents of a locality, employees of an enterprise, or consumers of a specific service. A diffuse interest may affect an indeterminate group whose membership changes over time and whose individual injuries may be difficult to prove. A governmental interest concerns the institutional, financial, or proprietary position of the state, but it is not necessarily equivalent to the public interest. A dispute over the contractual assets of a government department may involve state property without constituting a violation of public rights, while pollution caused by a state-owned enterprise may violate public rights even if the institution considers the activity economically beneficial. The prosecutor's mandate should therefore be connected to the legally protected interest of the community, not merely to the preferences or property of the government.

The distinction is also necessary because nearly every legal violation can be described in broad language as harmful to society. A breach of a private contract may undermine confidence in transactions, an isolated traffic offense may endanger public safety, and a minor licensing violation may affect regulatory order. If every offense or private dispute were categorized as a public-rights case, the concept would lose its analytical value and the prosecutor's extraordinary protective role would become indistinguishable from ordinary criminal prosecution. A public-rights case should ordinarily possess one or more characteristics that justify institutional representation: the affected persons are numerous or indeterminate; the harm concerns an indivisible resource or essential service; individual litigation is impracticable; the violation is systemic or organized; the responsible actor exercises substantial public or economic power; the injury is cumulative or irreversible; or the relevant administrative authority has failed to act. The ontology of public rights must therefore be connected to both the nature of the interest and the institutional need for public enforcement (1).

The collective character of public rights does not eliminate their relationship with individual rights. Environmental pollution, unsafe medicine, interruption of electricity, or unlawful disclosure of personal data may simultaneously violate collective and individual interests. The same act may support private compensation claims, administrative sanctions, and public prosecution. The prosecutor's involvement does not extinguish the standing of directly injured persons, nor should the existence of private victims prevent recognition of the broader public dimension. Instead, the legal system must distinguish remedies according to their purpose. Compensation may repair an individual loss, while cessation, restoration, criminal accountability, institutional reform, or prevention of repetition protects the broader community. This layered approach avoids the false choice between public and private enforcement.

The theoretical foundation of public rights may be described through the responsibility of political and legal institutions to preserve the conditions of collective life. Social-contract approaches explain public authority as deriving legitimacy from the protection of security, order, and shared interests, while Islamic legal thought emphasizes the preservation of public welfare, prevention of harm, protection of common property, and responsibility of governing authorities toward society. Comparative analysis of Islamic and Western approaches demonstrates that, despite differences in philosophical vocabulary, both traditions recognize institutional obligations that arise when individual action threatens common interests (10). These foundations do not directly establish the procedural powers of the prosecutor, but they explain why the state cannot remain passive when a diffuse or collective interest is seriously endangered.

Within this framework, the prosecutor is best characterized as the representative of legality and the public interest in judicial proceedings. The prosecutor is not the personal lawyer of the government, because the executive branch may itself be responsible for an unlawful act or omission. Nor is the prosecutor the exclusive owner of public rights, because those rights belong to society and may also be protected by courts, administrative agencies, inspectorates, municipalities, regulatory bodies, civil-society organizations, professional associations, and individual citizens. The institutional position of the prosecutor derives from the authority to initiate and direct public prosecution, supervise relevant investigative functions, and present the public case before the competent court. Scholarship concerning the prosecutor's office in Iranian public law has emphasized that this institution occupies a position between the implementation of criminal policy and the judicial protection of society (11). Its legitimacy depends on maintaining sufficient independence to investigate powerful public or private actors while remaining accountable to law and judicial review.

The modern institutional structure of prosecution in Iran reflects a distinction among prosecution, investigation, adjudication, and executive enforcement. Criminal-procedure doctrine treats the prosecutor as the authority responsible for pursuing the public dimension of offenses, while investigative judges, judicial officers, and courts exercise related but distinct functions (12). This functional differentiation is significant for public-rights cases. The prosecutor may identify a possible violation, request lawful investigation, supervise judicial officers, evaluate evidence, and determine whether prosecution is justified, but should not predetermine guilt or assume the role of the court. Similarly, the prosecutor may require administrative agencies to respond to legally relevant information or refer a matter for regulatory action, but should not permanently assume their specialized licensing, inspection, or managerial functions. The effectiveness of the institution does not require the concentration of all powers in one authority; it requires coordination among legally differentiated institutions.

The principal constitutional foundation is the responsibility assigned to the Judiciary for the restoration of public rights, the administration of justice, supervision over lawful implementation, and crime prevention. Although constitutional language may refer to the Judiciary as an institution rather than to the prosecutor alone, the prosecutor's office is one of the principal structures through which this responsibility can become operational. The constitutional mandate should therefore be interpreted as creating an institutional duty to develop lawful mechanisms for identifying, preventing, pursuing, and remedying serious violations of public rights. It does not mean that every prosecutor independently possesses unrestricted power over all public matters. The responsibility of the Judiciary must be distributed according to ordinary legislation, procedural competence, and the jurisdiction of courts and other supervisory institutions. Tangestani's analysis of the Judiciary's responsibility emphasizes that the restoration of public rights also depends on the performance of public organizations and institutions, not solely on judicial intervention (6).

Substantive constitutional rights provide additional direction. Equality before the law, protection of fundamental freedoms, access to justice, health, social security, education, legitimate economic security, environmental protection, and preservation of public wealth represent interests whose serious violation may activate judicial responsibility. Crimes against fundamental rights are particularly significant because they may be committed not only by private actors but also through misuse of public authority, unlawful restrictions, discriminatory practices, or institutional neglect (13). Prosecutorial protection must therefore remain neutral regarding the identity of the alleged violator. An institution that vigorously pursues private offenders but avoids violations committed by governmental or quasi-governmental bodies cannot credibly claim to represent public rights.

The Code of Criminal Procedure supplies the general procedural foundation for criminal intervention. It regulates the commencement of prosecution, the role of the prosecutor, supervision of judicial officers, preliminary-investigation processes, evidentiary measures, prosecutorial decisions, and presentation of the case before the court (7). Criminal-procedure doctrine also establishes safeguards for the accused, including lawful investigation, competent authority, access to defense, reasoned decisions, and judicial control. These safeguards are not obstacles to public-rights protection. They are conditions of its legitimacy. The collective importance of a case cannot justify unlawful evidence gathering, indefinite restrictions, coercive action without legal authority, or public attribution of guilt before judgment. The principle of legality requires both that the alleged conduct correspond to a legally recognized offense and that each investigative or restrictive measure possess an adequate procedural basis.

General criminal law provides the substantive structure through which harmful acts are attributed to legally responsible persons. Criminal responsibility requires attention to the prohibited conduct, mental element where required, causation, participation, corporate or managerial responsibility, defenses, and the applicable sanction (14). These issues become complex in public-rights cases because harm may result from cumulative decisions, organizational omissions, defective systems, delegated responsibilities, or conduct distributed across several institutions. The prosecutor must avoid attributing criminal liability merely because a person holds a managerial title. At the same time, organizational complexity should not become a mechanism through which decision-makers evade responsibility. Investigation must determine who possessed legal duties, access to relevant information, decision-making authority, and the practical capacity to prevent or terminate the violation.

Sector-specific legislation supplies the substantive basis for intervention in specialized domains. Natural-resource law defines the status and protection of national lands, forests, pastures, and other common resources (15). Competition law identifies practices that may impair market integrity and consumer welfare (16). Health and environmental criminal procedure requires coordination between legal authorities and specialized regulatory or scientific institutions (17). Information-technology law addresses digital transactions, cyber offenses, electronic evidence, data, and the legal consequences of networked activity (18). Industrial-safety standards help determine whether an operator or responsible authority complied with technical obligations designed to protect workers and the public (19). These legal fields demonstrate that “public rights” is not itself a substitute for a statutory cause of action. It is a framework that connects constitutionally important collective interests to the specific laws governing conduct, responsibility, jurisdiction, and remedies.

Judicial directives and internal policies may play an important organizational role by requiring prosecutors to establish reporting channels, document threats, convene relevant authorities, prioritize urgent cases, and monitor the implementation of lawful decisions. Such instruments can reduce inconsistency and translate broad constitutional responsibilities into repeatable administrative processes within the Judiciary. The institution of the prosecutor’s office has been examined as a principal mechanism for reviving public rights, particularly where violations require coordinated public enforcement rather than isolated adjudication (20). Nevertheless, directives cannot lawfully create offenses, penalties, compulsory inspections, closure powers, or restrictions on fundamental rights that lack statutory authorization. Their function is primarily interpretive, coordinative, and managerial.

The debate surrounding proposed legislation on the protection of public rights illustrates the difficulty of converting a broad constitutional objective into detailed legal rules. Criticism of the draft bill has focused on questions such as definitional ambiguity, excessive concentration of authority, overlap with existing institutions, insufficient procedural safeguards, and uncertainty regarding the standing of civil-society actors (21). These concerns indicate that legislative reform should not merely declare the prosecutor responsible for public rights. It should identify the categories of protected interests, the threshold for intervention, the range of permissible measures, the relationship with regulatory bodies, the remedies available, the mechanisms of review, and the rights of affected persons.

A sound legal foundation is therefore layered. Constitutional principles establish the institutional responsibility and substantive values. Criminal-procedure legislation defines the prosecutor's general powers and safeguards. Substantive criminal law determines offenses and responsibility. Sector-specific statutes define technical duties and specialized violations. Judicial directives organize practice without exceeding legislation. Courts supervise legality and determine contested rights. Administrative bodies retain responsibility for regulation and technical governance. Civil-society organizations, experts, and citizens contribute information and may exercise legally recognized participation. The prosecutor's mandate becomes both effective and legitimate when these elements operate together rather than when public rights are treated as an unlimited and self-executing source of power.

Forms, Instruments, and Legal Limits of Prosecutorial Intervention

Prosecutorial protection of public rights should be understood as a continuum of legally differentiated interventions rather than a single power activated only after a completed crime. The continuum begins with the reception and assessment of information, proceeds through preventive coordination and lawful interim measures where danger is imminent, and may develop into criminal investigation, civil or administrative proceedings, demands for restoration, supervision of compliance, and measures designed to prevent repetition. The appropriate response depends on the legal character of the conduct, seriousness of the risk, availability of specialized administrative remedies, urgency of the situation, reversibility of the harm, and evidentiary basis for intervention. A preventive orientation is consistent with the prosecutor's role in crime prevention, but prevention must remain connected to identifiable legal risks rather than generalized social control (22).

The first stage is the systematic identification of threats. Public-rights cases may come to the prosecutor's attention through citizen complaints, media reports, notifications from governmental agencies, findings of inspection bodies, reports by civil-society organizations, expert assessments, judicial officers, or direct observation. Because diffuse harms may not generate a motivated private complainant, passive reliance on formal criminal complaints is insufficient. A specialized prosecutorial structure should be capable of receiving reports, separating credible information from unsupported allegations, identifying the competent authority, and assessing whether the matter has an individual, administrative, regulatory, civil, or criminal character. Prevention of public-rights violations requires early recognition of risk and clear procedures for communicating with institutions responsible for controlling that risk (23).

Preliminary assessment should not be confused with a criminal finding. At this stage, the prosecutor determines whether the alleged facts, if substantiated, concern a legally protected public interest, whether the risk is sufficiently serious, whether another institution has primary competence, and whether urgent preservation or preventive action may be necessary. Factors such as the number of potentially affected persons, vulnerability of the population, probability of harm, expected severity, possibility of irreversible damage, duration of exposure, and history of noncompliance can guide prioritization. Technical expertise may be required before a legal characterization is possible. A report of river contamination cannot be evaluated solely through legal reasoning; it requires sampling, scientific analysis, source identification, and assessment of ecological and health consequences. A report of digital insecurity may require forensic analysis of networks, data flows, and access controls. The prosecutor should therefore obtain expert assistance without surrendering the legal evaluation of evidence to technical agencies.

Preventive intervention may include formally notifying the competent administrative authority, requesting an urgent inspection, requiring a report on compliance with statutory duties, convening responsible institutions, preserving documents and electronic data, recommending immediate safety measures, and seeking a legally authorized judicial order where delay may create grave or irreversible harm. The prevention of public-rights violations has been treated as an institutional responsibility requiring both proactive monitoring and cooperation among public bodies (23). Yet the prosecutor should not routinely direct how a ministry, municipality, company, hospital, or regulatory agency manages its ordinary operations. Judicial intervention is most justified where a clear legal duty is being ignored, a serious danger is imminent, the competent body has failed to act, or available administrative measures are manifestly inadequate.

Warnings and negotiated compliance may be useful when the violation is correctable and does not require immediate criminal accountability. A reasoned warning can identify the legal obligation, describe the threat to public rights, specify a reasonable period for correction, and explain the consequences of continued noncompliance. Such warnings should be documented to prevent informal pressure, selective enforcement, or uncertainty concerning the duties imposed. Negotiated compliance must not become an unlawful substitute for prosecution where serious crimes, corruption, deliberate concealment, repeated violations, or irreversible injuries are involved. Nor should it permit powerful actors to avoid responsibility merely by promising future improvement. The decision to use corrective rather than punitive mechanisms should be based on transparent factors, including the gravity of the conduct, intent, prior violations, cooperation, actual remediation, and deterrent needs.

When a violation constitutes a criminal offense, the prosecutor's conventional authority becomes central. The prosecutor may initiate public prosecution, direct or supervise lawful investigative actions, ensure preservation of evidence, obtain expert opinions, identify suspects, evaluate the sufficiency of evidence, and submit the case to the competent court. Practical prosecutorial work requires careful planning of investigations, lawful issuance of orders, reasoned decisions, and continuous evaluation of whether the evidence supports the alleged offense (24). Public-rights cases often require a broader investigative design than ordinary individual offenses because causation and responsibility may be distributed across complex organizations. The investigation may need to reconstruct regulatory communications, managerial decisions, safety reports, financial incentives, inspection histories, technical warnings, and prior incidents.

Judicial officers play an important role in urgent evidence gathering, inspections, preservation of crime scenes, interviews, seizure of relevant items, and implementation of judicial orders. The prosecutor must ensure that officers possess the necessary legal and technical competence and that their actions remain within the scope of the order. Criminal-procedure scholarship emphasizes the supervisory responsibility of the prosecutor and the need to preserve the distinction between investigative execution and judicial evaluation (12). In environmental, industrial, health, and cyber cases, ordinary investigative methods may be inadequate. Specialized officers and accredited experts may be necessary to collect samples, preserve digital evidence, assess safety systems, trace contamination, analyze corporate records, or determine the technical cause of an accident.

Evidence in public-rights cases frequently presents distinctive problems. Harm may appear gradually, several sources may contribute to the result, official records may be incomplete, responsible institutions may possess most of the relevant information, and causal relationships may be probabilistic rather than immediate. The prosecutor must distinguish scientific uncertainty from legal insufficiency. Uncertainty should not automatically prevent preventive action where a credible risk of irreversible harm exists, but criminal conviction requires evidence satisfying the applicable standard. The preservation of evidence is particularly important because pollution dissipates, digital data may be deleted, unsafe products may be removed from the market, and organizational records may be altered after an incident. Prompt lawful action can protect both the public interest and the fairness of the proceedings.

The attribution of responsibility requires attention to individuals, legal entities, and institutional structures. A serious violation may result from direct conduct by an employee, a managerial decision, failure to implement legally required controls, concealment of a known danger, or a corporate policy that makes violations foreseeable. Criminal law does not permit responsibility based solely on status, and public outrage cannot replace proof of personal or legally attributable fault (14). The prosecutor should determine the content of each person's legal duty, knowledge of the danger, authority to intervene, actions taken, and causal contribution. Where sector-specific law recognizes the responsibility of legal entities or managers, the investigation should apply those provisions carefully rather than attributing all responsibility to low-level personnel.

Criminal punishment is not always the most effective or complete response. Public rights may remain violated even after conviction. A polluted site requires rehabilitation; occupied public land must be recovered; unsafe infrastructure must be repaired; contaminated products must be withdrawn; unlawful digital access must be terminated; and affected systems must be secured. The prosecutor should therefore consider civil, administrative, and restorative mechanisms alongside criminal proceedings. Depending on the legal framework, appropriate action may include seeking cessation of unlawful conduct, restoration of the previous condition, recovery of public property, compensation for collective damage, implementation of safety measures, publication of corrective information, or referral to disciplinary and regulatory authorities. Nikbakht's analysis of prosecutorial protection emphasizes that the public interest may require remedies extending beyond conventional punishment (4).

Civil and administrative coordination is particularly important when the principal problem is institutional omission rather than a completed offense. A regulatory body may have failed to inspect a dangerous facility, enforce environmental standards, prevent unlawful land use, supervise distribution of medicine, or secure essential data. The prosecutor should first identify the body possessing the statutory duty and require it to explain the legal and factual basis of its conduct. Where the omission is unlawful, the matter may be referred to the competent administrative, disciplinary, supervisory, or judicial forum. The prosecutor should not automatically criminalize every administrative failure; negligence, delay, disagreement over policy, and criminal misconduct are legally distinct. However, systematic refusal to perform a clear duty, deliberate facilitation of violations, concealment, corruption, or conduct producing grave public harm may justify stronger intervention.

Restorative measures are particularly appropriate where the protected interest is capable of rehabilitation. Environmental offenders may be required, through lawful judicial decisions or enforceable agreements, to remove contamination and restore damaged areas. Operators of unsafe facilities may be required to implement technical corrections and independent audits. Distributors of dangerous products may be required to conduct recalls and inform the public. Digital service providers may be required to remedy vulnerabilities, notify affected users, and preserve relevant data. Restorative action should be measurable, time-bound, technically verified, and enforceable. It must not become a private settlement through which the prosecutor waives non-negotiable public interests or serious criminal accountability.

Effective intervention also requires coordination with other institutions. Public-rights protection is inherently multi-institutional because legal authority, information, technical expertise, and remedial capacity are distributed among different bodies. The prosecutor may possess authority to initiate proceedings but lack laboratories, inspectors, engineers, environmental specialists, economists, or cybersecurity experts. Administrative agencies may possess expertise but lack independence or enforcement power. Civil-society organizations may possess local knowledge but lack formal standing. Courts determine legal disputes but depend on properly prepared evidence and claims. A coordinated model should clarify responsibilities, information-sharing procedures, response deadlines, confidentiality rules, and accountability for implementation. Tangestani's institutional analysis recognizes the prosecutor's office as an important coordinating actor in the revival of public rights, but not as the sole institution responsible for every stage (20).

The legality principle is the first and most important limit on prosecutorial intervention. A socially desirable outcome does not permit the prosecutor to create offenses, impose sanctions, suspend lawful activity, seize property, compel disclosure, or restrict liberty without legal authorization. Public rights are a constitutional objective and interpretive framework, not a general exception to statutory law. Criminal-procedure rules must govern investigation and coercive measures (7). Where the legal basis is uncertain, the prosecutor should prefer measures that preserve evidence, obtain information through authorized channels, refer the issue to the competent authority, and seek judicial determination rather than unilaterally imposing obligations.

Institutional competence constitutes a related limitation. Prosecutorial intervention is justified when judicial protection is necessary, but ordinary regulation should remain with specialized bodies. The prosecutor should not determine technical tariffs, allocate water among competing users, design energy policy, prescribe medical standards, manage internet platforms, or substitute prosecutorial preference for environmental planning. Judicial involvement should focus on legality, serious risk, failure to perform statutory duties, criminal conduct, and effective remedies. This distinction protects both the independence of specialized administration and the prosecutor from becoming politically responsible for decisions outside judicial expertise.

Necessity and proportionality must govern the selection of measures. The prosecutor should adopt the least restrictive legally effective response, particularly where intervention may affect property, employment, access to services, freedom of expression, privacy, or economic activity. Temporary suspension of an activity may be justified where continued operation creates an imminent threat to life, but not where a minor correctable defect can be addressed through inspection and compliance. Public disclosure may protect consumers from a dangerous product, but premature identification of suspects may violate reputation and fair-trial rights. Digital monitoring may be necessary to investigate serious cybercrime, but generalized surveillance cannot be justified merely by invoking public rights. Proportionality requires a reasoned relationship among the importance of the interest, probability and severity of harm, effectiveness of the measure, and burden imposed.

Due process remains indispensable. Persons and institutions affected by prosecutorial action should receive notice where urgency does not justify immediate measures, understand the legal basis of the intervention, have an opportunity to present evidence, access competent review, and receive reasoned decisions. The prosecutor must remain impartial and investigate exculpatory as well as inculpatory evidence. The public-rights character of a case may increase social pressure for rapid action, but publicity should not determine guilt. Procedural fairness protects not only defendants but also the credibility of public-rights enforcement.

Independence and accountability must be balanced. Prosecutors need protection from political, economic, and institutional pressure, particularly when cases involve governmental bodies, influential companies, or strategic industries. At the same time, broad discretion without transparent standards can produce inconsistency and selective intervention. Obstacles identified in the realization of public rights include institutional weakness, ambiguity, and insufficient mechanisms for accountable implementation (8). Prosecutorial offices should therefore document the reasons for opening, prioritizing, referring, resolving, or declining significant public-rights cases. Aggregate reports can identify domains of intervention, remedies obtained, implementation rates, and recurring institutional failures without disclosing confidential information.

Finally, specialization is necessary for both effectiveness and restraint. A prosecutor who lacks technical knowledge may fail to recognize serious harm or may intervene excessively based on incomplete understanding. Specialized units, expert rosters, interdisciplinary training, and standard investigative protocols can improve decision-making. Health and environmental cases require integration of scientific and procedural knowledge (17), while industrial incidents require familiarity with safety obligations and technical causation (19). Digital cases require competence in electronic evidence, data systems, and cybersecurity. Specialization enables the prosecutor to ask the correct questions, identify competent authorities, evaluate expert disagreement, and select remedies proportionate to the actual risk.

Priority Areas of Prosecutorial Action in the Protection of Public Rights

Because public rights encompass a wide range of legally protected interests, prosecutorial offices cannot treat every alleged violation as equally urgent. Priority should be determined through a risk-based framework that considers the scale and severity of harm, number and vulnerability of affected persons, immediacy and duration of danger, possibility of irreversible consequences, systemic or organized character of the conduct, failure of specialized authorities, availability of alternative remedies, clarity of the legal basis, and realistic capacity of prosecutorial action to produce protection or restoration. This framework directs limited resources toward matters in which public enforcement adds distinctive value. It also reduces the risk that public-rights intervention will be driven by publicity, political preference, or isolated complaints rather than legally relevant social harm. The priority domains examined below are not an exhaustive catalogue. They represent fields in which the interests are broadly shared, private enforcement is often insufficient, and delayed intervention may expose society to extensive or irreversible damage.

Economic welfare, market integrity, and access to essential goods constitute a major field of public-rights protection. Economic activity ordinarily belongs to private and regulatory law, and the prosecutor should not intervene in ordinary price fluctuations, contractual disagreements, or lawful commercial strategy. The public-rights dimension emerges where conduct systematically disrupts access to essential commodities, creates artificial scarcity, exploits dominant economic power, deceives large classes of consumers, or threatens social and livelihood security. Hoarding, organized disruption of distribution, fraudulent manipulation of supply chains, coordinated market abuse, and large-scale sale of unsafe or counterfeit products may produce consequences extending beyond individual purchasers. Public-rights scholarship recognizes livelihood and consumer interests as important components of contemporary collective protection (4).

The prosecutor’s task in this domain is to distinguish genuine criminal or unlawful conduct from economic conditions resulting from inflation, scarcity, policy failure, logistical problems, or lawful competition. Criminal prosecution cannot replace coherent economic policy. Before attributing responsibility, the investigation should examine the applicable pricing and distribution rules, market structure, control over supply, intent, coordination among actors, financial records, regulatory warnings, and actual effect on availability. Competition law is particularly relevant where dominant enterprises or coordinated actors use their position to exclude competitors, impose unfair conditions, or distort access to essential goods (16). Not every anti-competitive concern constitutes a criminal offense, and competition authorities retain primary technical responsibility. Prosecutorial intervention is most appropriate where conduct falls within defined offenses, involves fraud or corruption, creates a serious threat to essential supply, or persists because competent regulators have failed to enforce clear legal duties.

Consumer protection acquires a public dimension when deceptive practices affect large numbers of persons or concern goods and services essential to health, safety, housing, communication, or livelihood. Individual consumers often lack the information, resources, and incentive to pursue low-value claims even where the total social harm is substantial. The prosecutor can contribute by preserving evidence, coordinating with inspection and regulatory bodies, pursuing organized fraud, and seeking cessation or corrective measures. Public enforcement should aim not only to punish offenders but also to stop the harmful practice, identify affected products, preserve consumer claims, and prevent repetition. Where the conduct is correctable and not deliberately fraudulent, administrative enforcement and compensation may be more effective than criminal prosecution. Where it is organized, repeated, concealed, or dangerous, criminal accountability becomes more important.

Food security and food safety require particular priority because contamination or deliberate noncompliance may expose large populations before the source is identified. The public interest includes the availability of essential food, integrity of production and distribution, accurate labeling, compliance with health standards, and rapid withdrawal of dangerous products. Health and environmental crimes frequently require specialized evidentiary procedures, including sampling, laboratory testing, chain-of-custody documentation, epidemiological assessment, and expert interpretation (17). The prosecutor should ensure that samples are collected lawfully, representative methods are used, accredited laboratories are involved, and the accused has access to procedures for challenging technical findings. Public warnings and recalls may be necessary before criminal responsibility is conclusively determined, but such measures should be based on credible evidence of risk and issued through competent authorities.

Counterfeit, unauthorized, contaminated, or improperly stored medicine may present an even more immediate threat. The prosecutor should cooperate with health regulators, customs authorities, distributors, pharmacies, professional bodies, and laboratories to identify the supply chain and prevent continued exposure. Investigation should distinguish among deliberate counterfeiting, illegal importation, negligent storage, regulatory noncompliance, prescription misuse, and ordinary professional error. A health emergency should not be used to disregard legal distinctions, but the urgency of preventing further harm may justify rapid preservation, seizure, recall, or suspension measures where authorized. The prosecutor's added value lies in connecting technical findings to responsibility, preventing destruction of evidence, addressing organized networks, and ensuring that powerful suppliers are not insulated from accountability.

Water resources represent another priority because access to safe and sustainable water is a precondition for life, health, agriculture, environmental stability, and regional security. Public-rights violations may arise from unauthorized wells, excessive extraction, pollution of rivers and reservoirs, interference with legally recognized allocations, destruction of water infrastructure, or institutional failure to protect environmental water requirements.

The diffuse and cumulative nature of water harm makes private litigation inadequate. Individual users may experience reduced supply or contamination, but the broader injury concerns aquifers, ecosystems, communities, and future generations. Preventive intervention is especially important because depletion of groundwater and contamination of major sources may be difficult or impossible to reverse.

The prosecutor should avoid assuming the role of a water-allocation authority. Decisions concerning lawful allocation, technical management, drought response, and infrastructure planning belong primarily to specialized institutions. Judicial intervention becomes appropriate where extraction or pollution violates clear legal rules, officials deliberately disregard statutory duties, corruption facilitates unlawful exploitation, or the failure of responsible bodies creates a serious and demonstrable public danger. Investigations should rely on hydrological and environmental experts, monitoring data, licensing records, satellite information where legally available, and evidence concerning the duration and scale of the conduct. Remedies should prioritize cessation of unlawful extraction, protection of drinking-water sources, restoration where possible, and accountability proportionate to the damage and culpability.

Electricity, gas, and other essential infrastructure have acquired a public-rights dimension because modern life, health services, communication, education, industry, and basic household security depend on their reliable operation. Not every interruption constitutes a violation. Technical failures, emergency maintenance, natural disasters, and temporary shortages may occur despite reasonable precautions. Prosecutorial intervention should focus on widespread or prolonged disruption caused by unlawful conduct, gross negligence, discriminatory practices, deliberate manipulation, corruption, failure to maintain legally required safety systems, or concealment of known hazards. The relevant inquiry concerns whether the operator or responsible authority complied with technical and legal duties, maintained emergency plans, communicated risks, and responded adequately after an incident.

Industrial safety provides an important analytical framework for determining responsibility in infrastructure incidents. Safety obligations require systematic identification of hazards, technical protection, maintenance, training, inspection, and emergency preparedness (19). After a major explosion, fire, electrocution incident, gas leak, or network failure, the prosecutor should preserve the site, obtain maintenance and inspection records, identify prior warnings, secure electronic monitoring data, and appoint competent experts. Investigation should examine not only the immediate technical cause but also organizational decisions concerning maintenance budgets, staffing, safety culture, and response to known defects. At the same time, criminal liability should not be inferred solely from the occurrence of an accident. The legal question is whether a responsible person or entity breached an applicable duty with the required degree of fault and whether that breach caused or materially contributed to the harm.

Essential-service cases also demonstrate the need for remedial rather than exclusively punitive action. The immediate priorities may include restoring service, protecting hospitals and vulnerable users, preventing secondary accidents, informing the public, and correcting the underlying defect. The prosecutor should coordinate with emergency and technical bodies while preserving the independence of the criminal investigation. Where a service interruption results from industrial theft, sabotage, or organized unlawful consumption, prosecution may protect the integrity of the network and the rights of lawful users. Where the primary cause is institutional negligence, structural remedies and enforceable safety improvements may have greater preventive value than punishment alone.

Environmental protection constitutes one of the clearest domains of public rights because environmental resources are shared, ecological harms cross property boundaries, and future generations cannot defend their interests through present litigation. The right to a healthy environment includes protection against serious contamination of air, water, and soil; unlawful destruction of ecosystems; unsafe waste disposal; and activities that create unacceptable risks to public health or natural resources. Environmental criminal procedure must reconcile scientific complexity, urgent prevention, and fair attribution of responsibility (17). The prosecutor should prioritize cases involving widespread exposure, protected areas, hazardous substances, repeated violations, deliberate concealment, corruption, or irreversible damage.

Environmental investigation requires specialized evidence. The prosecutor should establish baseline conditions where possible, identify pollution sources, preserve samples, examine permits and monitoring reports, determine whether legal limits were exceeded, and evaluate causal relationships. Multiple sources may contribute to air or water pollution, making simplistic attribution unreliable. Expert disagreement should be examined transparently, and the court should receive clear explanations of methods, uncertainty, and alternative causes. Preventive measures may be justified where credible evidence indicates an imminent risk of severe or irreversible damage, but long-term closure or criminal liability must rest on the applicable statutory and evidentiary standards.

The prosecutor's role extends to failures by environmental and administrative bodies. A regulator may repeatedly ignore violations, issue unlawful permits, fail to inspect a hazardous facility, or conceal information concerning public danger. The appropriate response depends on whether the conduct reflects limited resources, technical disagreement, administrative error, unlawful omission, corruption, or criminal participation. Public-rights enforcement should not become a mechanism for punishing every unsuccessful policy decision. It should focus on breaches of legally defined duties and serious failures that expose the community to preventable harm. Structural reform may also be necessary where recurring violations reveal deficiencies in norms, institutions, or enforcement systems (9).

Natural resources and public lands form a related but distinct priority. Forests, pastures, mountains, riverbeds, coastal areas, protected habitats, and national lands possess ecological, economic, and intergenerational value. Their unlawful occupation, destruction, transfer, or conversion may produce private profits while imposing permanent costs on society. Natural-resource law establishes the legal categories, administrative responsibilities, and restrictions applicable to these resources (15). The prosecutor should coordinate with natural-resource authorities, land-registration institutions, municipalities, environmental agencies, and technical experts to determine the legal status of the land, the nature of the occupation, the validity of documents and permits, and the extent of damage.

Public-land cases frequently involve complex documentation, historical possession, conflicting administrative records, forged instruments, unauthorized construction, or gradual encroachment. Criminal prosecution may be necessary where fraud, organized occupation, destruction, corruption, or deliberate unlawful conversion is established. Civil and administrative remedies are equally important because punishment does not automatically return land to public ownership or restore its condition. Effective action may require invalidation of unlawful transfers, removal of occupation, demolition of unauthorized structures where legally ordered, restoration of vegetation, and correction of registration records. The prosecutor should ensure that innocent occupants, good-faith purchasers, and persons with legitimate claims receive due process. Public-rights protection does not justify summary dispossession without a competent decision.

Cyberspace has emerged as a new domain in which individual and collective interests are deeply interconnected. Digital networks support communication, banking, public administration, health services, education, commerce, and critical infrastructure. A security failure, large-scale data breach, platform manipulation, or disruption of essential digital services may affect millions of users simultaneously. The transformation of public rights through information technology requires legal concepts capable of addressing data, access, security, transparency, and digital participation (2). Information-technology law provides the framework for electronic evidence, cyber offenses, digital transactions, and responsibilities arising from networked activity (18).

The prosecutor should prioritize cyber cases involving critical infrastructure, large-scale fraud, extensive theft or disclosure of personal data, coordinated attacks on essential services, exploitation of vulnerable users, and organized criminal networks. Digital evidence is fragile, replicable, easily altered, and frequently distributed across jurisdictions. Prompt preservation requests, forensic imaging, documentation of chain of custody, identification of access credentials, and cooperation with competent technical bodies are therefore essential. Investigators must distinguish among a security incident, negligent system design, contractual nonperformance, administrative violation, and criminal intrusion. The existence of public concern does not eliminate the need to prove unlawful access, intent, causation, or other statutory elements.

Platform responsibility raises particularly difficult questions. Online platforms may facilitate communication and commerce while also creating risks related to fraud, illegal content, data misuse, and manipulation. The prosecutor should not treat platforms as automatically responsible for every act of their users. Responsibility depends on applicable law, knowledge, control, response to lawful notices, design choices, and participation in the prohibited conduct. Oversight should be coordinated with regulatory institutions, and legal demands for data or content restrictions should comply with competence, necessity, and procedural safeguards. Broad invocations of public rights must not become a basis for arbitrary restriction of lawful expression, privacy, association, or access to information.

Protection of personal data demonstrates the overlap between individual and public rights. A single disclosure may principally concern a private victim, but systemic collection, sale, exposure, or misuse of data may undermine public trust and affect an indeterminate population. The prosecutor’s role may include investigating criminal access or exploitation, preserving evidence, identifying responsible networks, and coordinating notification and remediation. However, data-protection governance also requires legislation, regulatory supervision, security standards, and effective private remedies. Prosecution cannot substitute for a comprehensive data-protection system.

Across all these domains, prioritization should remain transparent and principled. The scale of harm should be considered because widespread injury may require institutional representation even where individual losses are modest. Severity should receive priority where life, health, essential services, or irreplaceable resources are threatened. Immediacy matters because prevention is most valuable before harm becomes irreversible. Vulnerability matters because children, low-income communities, patients, rural populations, and persons dependent on essential services may lack practical access to remedies. Systemic character matters because repeated or organized misconduct can produce greater social harm than isolated violations. Failure of administrative bodies matters because prosecutorial intervention is more necessary where ordinary regulatory mechanisms have become ineffective. Legal clarity matters because coercive action must rest on identifiable authority. Remedial effectiveness matters because resources should be directed toward cases in which intervention can realistically stop, repair, or deter the violation.

The prosecutor must also consider the potential costs of intervention. Closure of a major facility may protect health but also affect employment and essential production. Public disclosure may warn consumers but damage reputation before responsibility is established. Seizure of digital systems may preserve evidence but interrupt services to innocent users. Removal of unlawful construction may restore public land but affect residents who relied on official documents. Proportionality requires the prosecutor to examine alternatives and seek measures that protect the public without imposing avoidable collateral harm. This does not mean tolerating serious violations for economic convenience. It means designing remedies that are legally justified, technically informed, and sensitive to all affected rights.

Public participation can improve identification and accountability. Citizens, professional associations, universities, journalists, and civil-society organizations may possess information unavailable to formal agencies. Their reports should be evaluated through reliable procedures rather than dismissed for lack of direct private injury. At the same time, public campaigns and media pressure cannot replace evidence or legal analysis. The prosecutor should establish transparent channels through which information can be submitted, verified, referred, and followed. Afshari's analysis of obstacles to the revival of public rights supports the need for institutional strategies that move beyond abstract recognition toward accessible and accountable realization (8).

Ultimately, the priority areas of prosecutorial action are united by a common principle: intervention is most justified where a legally protected collective interest faces serious harm that private litigation and ordinary administrative enforcement cannot adequately prevent or remedy. The prosecutor's authority should be strongest where the harm is widespread, irreversible, organized, or connected to institutional failure, and more restrained where the matter concerns technical policy, ordinary private conflict, or conduct already being effectively addressed by competent regulatory institutions. This approach transforms public-rights protection from an open-ended claim of authority into a structured model of legal responsibility.

Conclusion

Public rights represent the legally protected conditions through which members of society can enjoy security, health, equality, essential services, sustainable resources, lawful economic participation, and access to the benefits of collective life. Their protection cannot be reduced to the enforcement of individual private claims because many violations produce diffuse, cumulative, systemic, or intergenerational harm. In these circumstances, the absence of an identifiable claimant may permit serious injury to continue unless a public institution possesses both the authority and responsibility to act. The prosecutor's office is one of the principal institutions capable of performing this function because it represents the public dimension of legality and possesses access to investigative, judicial, and enforcement mechanisms.

The prosecutor's mandate is founded on a layered legal structure. Constitutional principles establish the Judiciary's responsibility for the restoration of public rights, administration of justice, lawful supervision, and crime prevention. Criminal-procedure rules define the prosecutor's general authority concerning public prosecution, investigation, judicial officers, evidence, and charging. Substantive criminal law determines the conditions of responsibility. Sector-specific legislation defines the legal duties and prohibited conduct applicable to economic activity, public health, natural resources, infrastructure, environmental protection, and digital systems. Judicial directives may organize and coordinate practice but cannot create coercive powers or restrictions that lack statutory authorization.

A legally workable concept of public rights must remain broad enough to protect collective and emerging interests but precise enough to prevent arbitrary intervention. Not every public concern, policy disagreement, private dispute, administrative error, or criminal offense should automatically be treated as a public-rights case. The relevant interest should possess a collective, diffuse, essential, systemic, or intergenerational dimension. Prosecutorial involvement is particularly justified where the affected group is indeterminate, individual litigation is ineffective, the harm is serious or irreversible, the responsible actor possesses substantial power, or the competent administrative body has failed to perform a clear legal duty.

The prosecutor should not be understood as the exclusive owner or guardian of public rights. Public-rights protection is a shared institutional responsibility involving courts, administrative agencies, regulatory authorities, inspectorates, municipalities, professional bodies, civil-society organizations, experts, and citizens. The prosecutor's distinctive role is to activate judicial protection, preserve evidence, initiate lawful prosecution, coordinate urgent responses, seek effective remedies, and address serious failures of legality. The institution should not replace specialized regulators, manage technical sectors, determine economic policy, or use public rights as an unrestricted basis for administrative command.

Prosecutorial intervention should operate through differentiated mechanisms. Preventive measures are necessary where credible evidence indicates an imminent or irreversible danger. Criminal prosecution is appropriate where conduct corresponds to a legally defined offense and sufficient evidence supports responsibility. Civil and administrative mechanisms may stop unlawful activity, recover public property, restore damaged resources, correct institutional omissions, and compensate collective loss. Restorative measures are essential where punishment alone cannot repair the injury. The selection of a mechanism should depend on the nature of the interest, urgency of the danger, legal basis, seriousness of the violation, culpability of the responsible actor, and effectiveness of available remedies.

Legality must govern every stage. The importance of public rights cannot justify investigation without competence, restriction without authority, punishment without a defined offense, or attribution of guilt without evidence. Necessity and proportionality require selection of the least restrictive measure capable of providing effective protection. Due process requires notice, opportunity to respond, impartial investigation, access to review, and reasoned decisions. Separation of functions requires the prosecutor to respect the distinct roles of investigators, administrative bodies, experts, and courts. Independence protects public-rights cases from political and economic interference, while accountability prevents broad discretion from becoming selective or arbitrary.

Economic welfare, market integrity, food and medicine safety, water security, energy and infrastructure, environmental protection, natural resources, public lands, and cyberspace constitute major contemporary domains of prosecutorial action. In economic matters, intervention should focus on organized disruption, serious fraud, systemic consumer harm, unlawful market domination, and threats to essential supply rather than ordinary price disputes. In health-related cases, rapid scientific investigation, product recall, evidence preservation, and supply-chain accountability may be necessary. In water and environmental cases, prevention and restoration deserve priority because damage may be cumulative and irreversible. In infrastructure cases, technical safety, maintenance duties, emergency planning, and continuity of essential services are central. In digital cases, protection of networks, personal data, and users must be balanced against privacy, lawful expression, and access to information.

A risk-based framework should guide prosecutorial priorities. The most important factors are the scale and severity of harm, immediacy of danger, possibility of irreversible consequences, vulnerability of affected populations, systemic character of the conduct, failure of ordinary institutions, clarity of legal authority, and capacity of intervention to produce an effective remedy. These criteria should be incorporated into internal prosecutorial policies and public reporting. Transparent priorities would improve consistency among prosecutorial offices, reduce susceptibility to media or political pressure, and make it possible to evaluate institutional performance.

Structural reform is also necessary. Specialized public-rights units should be established or strengthened within prosecution offices. Prosecutors should receive interdisciplinary training in environmental science, public health, economics, infrastructure safety, natural-resource governance, and digital evidence. Formal channels should connect prosecutors with regulatory agencies, laboratories, universities, technical experts, and civil-society organizations. Standard protocols should govern the reception of reports, risk assessment, urgent preservation of evidence, appointment of experts, communication with responsible bodies, and supervision of remedial commitments. Significant decisions to intervene or decline intervention should be reasoned and documented.

Legislation should clarify the meaning of public rights without attempting to produce an inflexible exhaustive list. It should identify the threshold for prosecutorial action, available preventive and remedial measures, relationship between prosecution and administrative enforcement, conditions for urgent judicial orders, mechanisms of review, and forms of participation available to citizens and civil-society organizations. It should also distinguish public rights from governmental interests and ensure that violations committed by public bodies are subject to the same principles of legality and accountability as violations committed by private actors.

The effectiveness of public-rights protection should not be measured solely by the number of prosecutions, indictments, or convictions. A successful intervention may prevent contamination, secure dangerous infrastructure, restore public land, remove an unlawful digital vulnerability, compel a responsible authority to perform its duties, or establish a coordinated system that prevents future violations. Performance evaluation should therefore include preventive outcomes, restoration, compensation, compliance, reduction of recurring risks, and public accessibility. Excessive reliance on criminal statistics may encourage symbolic prosecution while leaving the underlying harm unresolved.

The prosecutor’s role in protecting public rights is consequently both indispensable and limited. It is indispensable because collective harms frequently lack an effective private representative and may persist when regulatory institutions fail. It is limited because judicial authority must remain grounded in law, differentiated from administration, and respectful of individual rights. The future of prosecutorial protection depends on replacing ambiguous expectations with clear competence, specialized capacity, transparent priorities, effective coordination, and enforceable safeguards. Under these conditions, the prosecutor can function not as an unrestricted supervisor of society but as a lawful representative of the public interest, capable of preventing grave harm, pursuing accountable enforcement, and contributing to the restoration of the collective conditions upon which justice and social life depend.

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All authors equally contributed to this study.

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