

Legal and Jurisprudential Analysis of the Production of Transgenic Products

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Abstract

Criminal protection, through coercive prevention and punishment for crimes against water, is one of the factors preventing the aggravation of the agricultural crisis in Iran; A crisis that has increased the need to import agricultural products and food products with the decline of water resources and poor water management. The growth of imports of unsafe transgenics creates other crises with the unjustified preference for food security over the right to "healthy" food. The weakness of Iranian laws and legal procedures in protecting the rights of consumers of transgenic products necessitates a crime aimed at protecting food security in the face of the growing need for transgenics in the water crisis. From a jurisprudential point of view, the arguments in favor of the production of transgenic food products seem stronger, and support the alignment of criminal policy in not criminalizing these products. What has been suggested by the opponents of the production of food transgenics as a reason for opposition is more than a jurisprudential concern; Because conducting research on the genome (plant and animal, and consequently the human genome) may be accompanied by abuses that challenge human dignity. This article, in a descriptive-analytical manner, critiques the existing laws and regulations in the field of criminal protection of the two issues of water and biosafety in the consumption of food transgenics, a framework for criminalizing criminal behavior against the food supply chain with absolute responsibility. Or contains the presumption of criminal liability - provides. The purpose of this article is to critique the articles of the laws related to transgenic products and crimes against water, in order to hold the government and public and private legal entities responsible for enforcing and monitoring food safety laws, observing the "principle of minimum and limited intervention to the last resort".

Keywords: Transgenic legal system, biosafety offenses, duality of food security and food health.



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Introduction

Given the global average population growth, limited water and land resources, the response to most common strategies to increase food production, including improving yields and increasing productivity and improving the quality of agricultural land, food supply and access, and food security are of increasing importance. Will be on the list of fundamental human concerns and will become a complex challenge. Therefore, one of the appropriate measures against the growing need of the international community for food is the use of genetic engineering methods and the production of transgenic products. At the same time, concerns about their biosafety are growing. Transgenic products are plant or animal products that are produced through scientific techniques, including taking a gene from a plant or animal species and injecting it into other species to transmit a desired trait or feature. In fact, transgenic plants have been developed for quality production, superior yield, cost reduction and solving many of the problems of the agricultural sector.

Although the use of this technology has been a major step towards a genetic revolution, it has also brought with it challenges such as religious, cultural, moral, and health concerns, which have provoked protests from a wide range of NGOs and even some governments. And human rights activists, scientists, lawyers, ethics, medical sciences, etc. with these products. Water is the cause of appearance, persistence and efficiency. Insecurity arising from the lack of sustainable access to water resources for citizens can disrupt stability and security and challenge the legitimacy of the political system. Preventing water insecurity in hydropolitical relationships requires legal protection of water against water crimes and violations. The



implementation and guarantee of the right to food is impossible without the intervention of governments, and therefore international human rights instruments encourage and oblige governments to guarantee and respect the realization of the rights enshrined in the Universal Declaration of Human Rights (Busta & Kennedy, 2011: 91).

Despite the lack of explicit text in the WTO agreements on the right to adequate food, UN members are implicitly committed to enforcing safety and risk assessment principles to protect the lives and health of consumers when exchanging and trading food products (Razmkhah, 2004: 52). Pursuant to Articles 55 and 56 of the Charter of the United Nations and the general interpretation of the first paragraph of Article 2, Articles 11 and 23 of the International Covenant on Civil and Political Rights, States must play a fundamental role in international participation in the process of realizing the right to food. Adequately recognize and accept their commitments to participate in international actions and activities that lead to the full realization of this right. One of the appropriate measures for the realization of the rights enshrined in the Covenant at the national level by governments is legislation. States Parties are required to provide the necessary legislation to ensure that those within their jurisdiction are entitled to a healthy diet.

Numerous conventions and protocols have been ratified in the field of recognizing and establishing legal obligations of the right to food, and numerous declarations and resolutions have mentioned this important issue, and even food security, the right of access to food. Ensuring the liberation of humanity from hunger is one of the most important priorities that have always been emphasized by policymakers of governments and the international

community "(Foroughinia et al., 2014: 133). States Parties have a duty to ensure the attainment of the right to healthy food security for all human beings by enacting and enforcing comprehensive laws, including criminal law, in the light of the "principle of the highest possible quality" and not the "principle of the minimum acceptable".

The introduction of transgenic food products, the effects of feeding on these products, along with the extensive control of private companies over the process of scientific research to investigate their potential side effects, has raised serious concerns among human rights activists. Pursuant to the third paragraph of Article 15 of the International Covenant on Economic, Social and Cultural Rights, these companies consider any kind of interference and supervision of the public sector in the investigation process as contrary to the fundamental principles of human rights and disclosure of scientific results. They also refuse in the laboratories under their control and always claim that transgenic foods are no different from ordinary foods; This issue not only violates the "right to adequate food", but also contradicts some principles of "bioethics", including the "principle of non-harm" (Abbasi et al., 2014: 131). This concern is exacerbated when we consider that "the dominance of business logic has led to research and development, often in the pursuit of greater business interests rather than in identifying and addressing food needs; Thus, although new technologies have increased food production capacity by 31 percent, large manufacturing companies that benefit from intellectual property rights have not yet taken action that benefits farmers in poor areas of developing countries, and on the contrary, are strongly financial and intellectual supporters of the focus of research and production on "marketable products" instead of "nutritious products".



Food production requires water, and water is a precondition for food and, apart from it, one of the most vital human needs. But the "vacuum and failure" of "water governance" in Iran is a historical weakness that continued with greater intensity. "The water crisis in Iran is the product of a variety of causes of ignorance and inability, and this diversity is the result of the breadth and complexity of the set of infrastructures, institutions, organizations, actors and practices that have formed around the category of water." (Ahmadipour and Ahmadi, 2019: 110) In this regard, "the weakness of the enforcement of criminal liability rights and the inadequacy of administrative measures, reinforces the need to ensure the right to food security of citizens, which is the responsibility of governments."; This depends on strengthening and preventing the prevention of crimes against water and punishing these crimes.

From the Islamic jurisprudential point of view, in the field of jurisprudence, due to the lack of a valid reason for transgenic sanctions. However, some jurisprudential scholars have commented that "given the climatic conditions of Iran and the emerging agricultural challenges, the use of biotechnology and the production of transgenic crops to prevent foreign domination is essential. The chapter on the obligatory introduction becomes obligatory (Ghanizadeh and Tabatabai, 2017: 267), but this article also rejects the reason for the domination of foreigners.

Regarding the importance of the discussion and the need to examine the background of legal action against transgenic products in the light of the right to food security, the theoretical foundations of the strategy to strengthen criminal protection of water security and the capacity of existing laws and regulations to provide adequate protection of water



and water resources and facilities. The water supply network noted that future human wars and social violence would result from a lack of water, food and forest resources. Countries - regardless of their level of development - are highly dependent on renewable resources and will face tough disputes over them. So water scarcity will challenge and will further challenge national and international security. With the spread of the dangerous phenomenon of water scarcity, more than 26 countries with a population of more than 300 million are now facing a water crisis. If the current trend continues until 2050, this figure will reach 66 countries with a population of about two-thirds of the world's population (De Schutter, 2011: 108). According to UN reports, in the last half century, there have been more than 1830 cases of water disputes in the world, 37 of which have caused war or the explosion of dams (Afshar and Dehshiri, 2018: 101). The issue of water crisis in the Middle East and the location of the geopolitical region of the Persian Gulf in this geographical area, shows the important role of water resources of these countries. Most Middle Eastern countries are very poor in fresh water. Therefore, all capacities should be used to support the security of existing freshwater. Legal protection is one of these areas of protection. Under this realm, criminal protection in the form of criminalization and punishment of perpetrators of water crimes is one of the strongest and most deterrent forms of protection of water security to delay the intensification of the need for transgenic food products.

On the other hand, explaining the theoretical foundations of the responsibility of governments for the right to food and confrontation with transgenic products, the importance of research in the etymological criminology of crimes related to transgenic food products and the need for criminal



protection of water in crimes against water To reduce dependence on transgenic crops doubles. "Criminological approaches - especially green criminology - in justifying the importance of the environment and biosafety facilitate the process of proving the preference for the right to healthy food' over the right to food security (Walters , 2007: 217) and make a significant contribution to the drafting of non-standard transgenic import criminal justice bills - which are still unregulated and dangerous legal silence and indifference persists.

The weakness of Iran's laws and legal procedures, both in protecting water and in protecting the rights of consumers of transgenic crops, necessitates a criminalization aimed at protecting food security in the face of the growing need for transgenics in the water crisis. . Thus, the analysis of Iran's criminal policy position on the success of criminal protection of water - as the most important variable affecting the country's need to import transgenic food following the weakening of traditional organic agriculture based on traditional irrigation methods (especially Method of water immersion) - is important; This issue will be critically reviewed later in the article. Previous related research has either focused on criminal protection of water and water crimes, or has focused on the criminal liability for violating the rights of consumers in the process of producing or importing transgenic products. But no research has linked criminal water security policy to the right to a healthy life against threats from transgenic crops, and this is one of the distinguishing features of the present article; Which is declared innovative. The present article also critiques the criminalization of similar behaviors in different laws from a new perspective; Some of which are: the uncertainty of the scope of examples of similar legal articles



and differences of interpretation in this regard, the obligation and prohibition of certain behaviors without providing punishment in cases of violations, disregard for unintentional crimes, guarantee of disproportionate performances and others. The deterrent is the failure to specify, at least for some penalties, some shortcomings in criminal law on water protection, which exacerbate the water crisis and exacerbate the need to import transgenic food products. The article also explains the capacity of criminal law to protect the "right to food security" (pro-transgenic approach). Balanced criminal protection of the right to healthy food (anti-transgenic approach) requires threatening physical access to food and creating barriers. In the development of nutrition science, be considered a crime.

3- Increasing the need for transgenic food products; Dimensions of human rights and criminal aspects

All new technologies, such as genetic engineering and nanotechnology, are accompanied by numerous, troubling and challenging advantages. This is an inherent feature of any technology, and no new technology really has absolute safety. "When a new technology can solve a problem of human problems and does not pose a particular problem compared to other technologies, it will obviously be ethical to use it, and vice versa, irrational and unscientific arguments to oppose it. A new technology is just as immoral. What is certain is that food production should increase in the future and transgenic products are not mentioned as the only solution, but are considered as an important factor in solving these problems "(Nayeri and Tohidfar, 2016: 42).

Given the importance of water and the problem of water scarcity crisis, the harm of committing certain behaviors for



society (acts such as pollution and illegal use and seizure of water resources, encroachment on the bed and privacy of water) and the weakness of deterrence of other guarantees, criminal law intervention And criminalization of these behaviors is necessary (Bahrehmand & Rostami, 2015: 236), but the principle of minimum criminal law should not be violated and punishment should be determined for any harmless behavior.

Numerous laws have been enacted regarding crimes against water. These laws include the Law on Water and its Nationalization (approved in 1347), the Law on Hunting (approved in 1346), the Law on Fair Distribution of Water (approved in 1361), the Law on Environmental Protection (approved in 1353), the Law on Conservation From the sea and border rivers due to oil pollution (approved in 1975), the Law on Maritime Areas of the Islamic Republic of Iran (approved in 1372), the fifth book of the Islamic Penal Code (approved in 1375), the law on waste disposal (approved in 1383) and the law on well assignment آب Water without a license (approved in 2009). It is impossible to mention the shortcomings of these laws in terms of the principles and requirements of criminal protection of water in this article. The results of the review of these laws show that the legislator has been in an unstable situation regarding the issue of water - especially the criminalization of certain acts and the imposition of punishment for them in various laws - and has not shown a specific approach in this regard; This has caused the goals of intervention and criminal protection of water to not be well met, and in addition, this intervention and protection has the problem of weak deterrence and efficiency.

Criminal law in support of collective living norms, with the help of other scientific forces (economics, management,



public policy, environmental engineering, etc.) and objective tools to protect water security to reduce the water crisis and speed up Severe need to import transgenic products or reduce the need for accelerated and possibly harmful production for the health of the Iranian nation. In addition to the legal basis for the need for criminal protection of water security - for a variety of purposes, including preventing the unreasonable intensification of the need to import transgenic products to maintain food security - the Islamic jurisprudential basis of this important issue should also be mentioned.

The most important principles of law for the prevention of water crimes are the mission of law to protect the common public interest under the title of human rights and in a more detailed view of civil rights, which has a special place in jurisprudence with the "protection of commonalities". These principles can justify the existing criminal policy and even formulate a more measured and complete criminal policy (Moradi et al., 2018: 19). Therefore, utilizing the principles of human rights, criminal law and international law related to the subject, provides the ground for the transition from the existing criminal policy to the desired criminal policy in terms of intellectual foundations.

4- Iran's legislative shortcomings in supporting food security; In the light of the water crisis and the need for transgenics

The legislature should not wait for a criminal response to offenders who have targeted biosafety to commit a crime in the outside world, but an appropriate criminal response requires that the perpetrator commit acts or omissions that violate one. It is a requirement of biosafety, it is criminalized and faces a criminal response. However, according to Article 6 of the Biosafety Law, the criminal



response is deferred to damages and the legislator has prescribed biosafety offenses in a restrictive manner. Unfortunately, the legislator has completely ignored the preventive effect of criminology and has made it possible to adopt and apply any criminal response only on the assumption that damage has been done. (Samavati Piruz, 2009: 154). Another part of Article 6 of this law has another objection from the perspective of criminology; Explain that committing behavior that violates the rules and standards governing the field of biosafety in this article in the first place has no criminal description and it is surprising that the same behavior or the same elements in the second time, considered a crime. The legislator in the biosafety law has even limited this late criminal response (in the second instance) to a fine; Which is very weak and non-deterrent and disproportionate to the severity and danger and severe and old consequences of this crime. According to one study, "one of the weaknesses of environmental law is the indiscriminate use of imprisonment and fines." Today, environmental crimes are often committed by legal entities. Therefore, it seems more appropriate to use the guarantee of negative executions of salaries and professional punishments instead of imprisonment "(Khaleghi and Rashnavadi, 2013: 136). As some scholars have confidently stated: "Certainly this weakness of the law will lead to repeated abuses and, as a result, the multiplicity and repetition of the crime. "Therefore, it is necessary to determine and apply an appropriate criminal response, including the main and complementary punishments for biotechnological crimes." (Vatankhah et al., 2017: 186)

The Iranian Biosafety Act is a unilateral concern for biotechnologists who seek to ship transgenic products to the country on an industrial scale and in large numbers; Has



poor control tools; The oversight role of the Environment Agency in this law is really insignificant; And Article 5 of the law stipulates the punishment for those part of the government employees who cause disruption in biotechnology activities, not weak punishment but non-determination of punishment, and obliges those who harm the biosafety of the people to pay only a maximum of three times the damage. . This punishment is not only deterrent, but also encourages the commission of a crime. Moreover, according to Article 6 of the Biosafety Law, the determination of punishment is subject to the infliction of damages, and the legislature has criminalized crimes against biosafety as binding offenses with damaging consequences.

Another critique of the biosafety law from the perspective of evaluating the criminal protection of the right to healthy food in the face of transgenic is related to Article 7 of this law. However, by determining the conditions of packaging and labeling, it has determined the constituent elements of the biosafety crime, which has no criminal jurisdiction, neither in terms of its jurisdiction and position, nor in terms of the composition of the council members. On the other hand, in a situation where the legislator, without explaining the oversight system of the National Biosafety Council, has only briefly mentioned oversight as one of the duties of the council, the abandonment of oversight subject to Article 3 of the said law was predictable; which unfortunately also happened.

Another criticism is that the Biosafety Law does not guarantee the implementation of non-submission of correct information to the relevant body (as the case may be by the Ministry of Health, Jihad or the Environmental Protection Agency) by the applicant for an export license for genetically modified live animals. On the other hand, he has





not been careful enough in criminalizing and compiling violations. The legislature has criminalized behaviors so hastily that basically such behaviors have not yet been investigated in society by criminologists and sociologists. Criminalizing a behavior is the legislator's last resort to confront and destroy behavior in society. The Biosafety Law, which for the first time addresses the licensing and development of risk assessment documents, has committed crimes in the field of modern biotechnology without sociological and behavioral studies (Kazemi Najafabadi and Eskandarian, 2003: 146). Instead of criminalization, it was appropriate to suffice with criminalization, and the investigation of this type of violation, which is completely technical and specialized, was referred to the apparatus of investigative bodies. The judiciary lacks specialized human resources and lacks differentiated processes for dealing with violations and crimes of the biosafety law.

Research shows that from the perspective of criminal protection of food security, "responding to the threat of physical access to food at the household and individual levels and threats to other aspects of access such as cultural, social and to some extent economic, and component "New issues in the field of food security, especially nutritional knowledge and the responsibility and accountability of government bodies and authorities for sustainable food security, have received less attention and are among the weaknesses of non-criminal government responses in Iran. Despite numerous misdemeanors and violations in various laws and regulations in the field of fisheries, import and export of food products, guilds, and various conditions and obstacles of licenses, the vacancy of criminalization and misconduct of administrative behaviors - Discipline that drastically reduces consumers' purchasing power through

inflation, rising commodity prices and finished product prices, as well as government decisions leading to improper imports of food products, requires a vacuum and policy-making. Law is one of the benefits of using the capacity of criminal law. The current state of food security and ways to enhance this security and the criminalized and infringed threats against the right to food security - which results in the right to biosecurity - and the criminal liability system of competent natural and legal persons in the realization or stabilization of food security is fraught with many ambiguities, contradictions, and omissions.

With the repeal of the Executive Regulation of the Biosafety Law, there are no regulations to assess the safety of transgenic products, and it is not clear how the safety of these products was assessed. Whereas in the previous regulation, the provisions of the food code, including the use of the "identity" method and the "animal model" method, were used to assess the safety of transgenics. "After the repeal of the Executive Regulations of the Biosafety Law, attention to the consumer's right to safety of transgenic products in the Biosafety Law remained only to the extent of assessing the potential risks of transgenic products to human health and the environment, and other regulations regarding There is no specialized information on transgenic safety assessments, information on the potential hazards of transgenic products, and even the information required to license transgenic products into the country to provide a consumer safety right and a guide to assessing and assessing the risks of products. Be transgenic (Pouresmaili et al., 2017: 107). This crisis, in a situation of regulatory vacuum in the implementation of biosafety law, becomes very dangerous and threatening when we consider that the water crisis and the lack of criminal protection of water in the



country, greatly weaken agriculture and greatly increase the need to import transgenic products. Intensifies; This is due to the legal policy towards the import of transgenics, which is basically lacking in regulations.

Iran's legislative criminal policy in support of biosafety for transgenic crops - whose imports are growing at a time of water crisis in the country - is also problematic in terms of determining the criminal liability of those involved. By adapting the elements of the perpetrators' behavior with the elements of the criminal titles mentioned in the relevant legal articles, only five criminal titles (five legal articles) have been identified in the current Iranian criminal law (see: Hosseini et al., 2020: 13) Violators of the biosafety of the people can be considered criminal and punishable only in these five narrow, confined, limited and obscure forms: 1- Corruption on earth (Article 286 of the Islamic Penal Code), 2- Action against health in the field of materials Food, beverage, cosmetics (Article 1 of the Law on Food, Beverage, Cosmetics), 3- Guilty murder (Article 616 of the Islamic Penal Code - Punishments), 4- Causing pollution leading to violation of public health (Article 688 of the Islamic Penal Code) - Punishments), 5- Production or supply of products without a legal license (Article 31 of the Law on Governmental Punishments for Health and Medical Affairs). Expanding the realm of criminal behavior on the one hand and diversifying criminal response by emphasizing restrictive social rights penalties for delinquent legal entities in this area would be appropriate and deterrent.

5- An Islamic Jurisprudential reflection on the increasing importance and necessity of producing transgenic food products to protect the food security of the people

No jurist believes in the sanctity of all changes in creation, otherwise the requirement of such a thing is that digging



wells, establishing tunnels in the mountains and many other things such as pruning trees, etc. are also forbidden (Khoei, 1417 AH: 258) , Which is definitely not the case. This corrupt consequence itself shows that the Qur'anic phrase (Surah An-Nisa ' / verse 119) is not in a position to express the sanctity of all kinds of changes, and proof of this requires a separate reason.

Due to the novelty of genetic sciences and especially the knowledge of producing transgenic food products, and the lack of specific legal rules for the consumption of these products, few studies (see: Ehsani et al., 2021; Ghanizadeh and Tabatabai, 2018) have tried to study the jurisprudential ruling of the Shiite authority in relation to the consumption of these products. In order to obtain the ruling of unauthorized or absolute permission or conditional permission to consume these products, one can refer to the jurisprudential documents "rule of no harm", "rule of repelling probable harm", "rule of ugliness of speechless eagle", "principle of immorality", Cited the "principle of innocence" and the "rule of hardship" (Ehsani et al., 2020: 122). The fatwa of the great jurists expresses the ruling of abaha as the primary ruling of transgenic food products, which will change with the propositions of the secondary title of harm (Ghanizadeh and Tabatabai, 2017: 273). As a result, it can be said that in his view, the no-harm rule, as the main basis of the no-harm condition, can be considered as one of the jurisprudential rules governing the prohibition of the production of transgenic products. Therefore, it is necessary to discuss this rule in this regard.

For the consumer who prepares his food from the Muslim market and on the other hand does not have the means to identify transgenic consumer goods, the rule of ablution is valid and resorting to other rules will be effective when the



consumer's rights in knowing and choosing , Be observed with labeling. When there is the power of discernment and choice, the rule of no harm and the rule of repulsion of possible harm in the direction of impermissibility, and the rules of immorality, innocence and ugliness of the eagle without expression and hardship in the license of consumption were examined. The no-harm rule cannot be invoked for two reasons: 1- The inevitability of the harm of these products, 2- The existence of benefits in addition to the disadvantages. Moreover, in the case of other rules, it is necessary to see which one dominates the other and is assigned to them. Although the consumption of transgenic products is permissible, the rule of repelling possible harm dominates them and rationally, a precautionary ruling is issued in the current consumption. Also, in the case of hardship and embarrassment, just as the use of forbidden food becomes obligatory, the rule of repelling possible harm also becomes ineffective, and the rule of negation of hardship and embarrassment prevails. Thus, the belief of some researchers that "the use of these products should be in such a way that the conditions of their use are not preferable to the observance of precautionary conditions; That is, in the use of these products, special restrictions should be considered so that there is no difference between the license to use transgenic products to provide sufficient food for the people and the observance of precautionary conditions to ensure the right to human life "(Rezaei-Junid and Ghanbarpour, 2020: 83) Excessive caution seems extreme.

In general, the descriptive-analytical study of the reasons for the permission and non-jurisprudential permission of consuming transgenic food products has shown that for the consumer if he is not aware of the type of product, the principle of negligence causes the permission to consume



these food products and if he is aware, the loss rule Probably, it would have been unauthorized if the current crisis of low food production and the crisis of water and the crisis of food security and the preservation of the people and the system had not been raised. Therefore, in the current situation - the current situation - the rule of possible loss is also ineffective.

Conclusion

Iran's legislative criminal policy toward bioterrorism, the import and production of raw and processed transgenic agricultural products, and a wide range of crimes against food security for political, social, and economic purposes are ambiguous. A comprehensive plan to prevent and punish crimes against food security - which criminalizes conduct that violates the right to food security and acts that violate the right to health and healthy nutrition - has not yet been developed. Current criminal titles in Iranian criminal law are largely limited to hasty criminalization arising from specific situations such as imposed war and hoarding of basic goods or the fight against bioterrorism. The criminalization of similar behaviors in different laws, the uncertainty of the scope of instances of similar legal articles and interpretive disagreements in this regard, the obligation and prohibition of certain behaviors without providing punishment in cases of violations, disregard for unintentional crimes, guarantee of disproportionate performances And non-deterrent is the failure to specify, at least for some penalties, some shortcomings in criminal law on water protection, which exacerbate the water crisis and exacerbate the need to import transgenic food products. In



terms of the capacity of criminal law to protect the "right to food security" (pro-transgenic approach) in a balanced way with criminal protection of the right to healthy food (anti-transgenic approach), criminalization of acts leading to The threat of physical access to food and the criminalization of crackdowns that hinder the development of nutritional knowledge, as well as the accountability of government bodies and authorities to sustainable food security, have been proposed to reform Iran's legislative criminal policy; Because in the current situation, none of the mentioned laws has explicitly criminalized issues related to the production or supply of unauthorized transgenics, and in order to identify the criminal responsibility of producers and suppliers of unauthorized transgenic products, it is necessary to comply with other titles related to health protection.

From the Islamic jurisprudential point of view, the reasons of the proponents, in spite of their differences, have a stronger position, and what has been put forward as a reason for opposition by genetic opponents to the cause is more of a jurisprudential concern than a reason; Because conducting research in the field of plant, animal and human genomes can be associated with abuses that undermine human dignity. Moreover, the necessity of following the jurisprudential arguments has shifted the view of the majority of jurists to another side, which can, while ensuring and protecting human dignity, also prevent possible abuses. The result is that from a jurisprudential as well as rational point of view, despite the differences of opinion of experts, rational preferences should be followed.



If, despite the differences of opinion, there is no (preferred) point of advantage for a comment (which, of course, is not assumed here), the opinions of both groups of experts will be invalidated and referred to matters such as practical principles. Paying attention to the mentioned preferences in the subject of discussion will lead to the selection of expert opinions indicating the health of transgenic products.

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