

The Duties and Limits of the Prosecutor in Pursuing and Protecting Public Rights

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Abstract

Public rights constitute a central component of the legal order and encompass collective interests whose protection cannot always depend on individual complaints or private litigation. In the Iranian legal system, the prosecutor occupies an important position in safeguarding such rights because prosecutorial responsibilities extend beyond the conventional function of pursuing criminal offenses and include preventive, protective, supervisory, coordinative, and restorative dimensions. This study examines the duties and limits of the prosecutor in pursuing and protecting public rights, with particular attention to the legal boundaries governing prosecutorial intervention. The analysis shows that legitimate prosecutorial functions may include preventive action against imminent threats to collective interests, initiation and conduct of criminal proceedings when violations constitute offenses, cooperation with specialized administrative and regulatory bodies, and pursuit of remedial measures aimed at stopping continuing harm and restoring affected public interests. At the same time, prosecutorial intervention must remain subject to the principles of legality, proportionality, fair trial, institutional competence, separation of powers, and differentiation between prosecution, investigation, and adjudication. The prosecutor should not replace executive or regulatory authorities, create criminal liability where the law has not provided it, or rely on the broad concept of public rights to justify unrestricted interference with individual freedoms or institutional autonomy. The study further identifies major challenges, including ambiguity in the concept of public rights, fragmented legislation, overlapping institutional jurisdictions, insufficient specialization, resource limitations, inconsistent prosecutorial practices, and possible political or economic pressures. It concludes that effective protection of public rights requires an active but legally constrained prosecutorial model supported by clearer statutory rules, stronger interinstitutional coordination, specialized expertise, transparent prioritization criteria, and effective mechanisms for reviewing significant prosecutorial measures.

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1. Introduction

Public rights constitute one of the most significant yet conceptually challenging categories within contemporary public law. Unlike private rights, which ordinarily belong to identifiable persons and are enforced primarily through claims initiated by individual rights-holders, public rights concern interests whose protection is connected with the welfare, security, health, dignity, resources, freedoms, and orderly life of society as a whole. The collective character of such interests does not necessarily mean that every public right is equally enjoyed by all individuals or that every violation produces identical consequences for all members of society. Rather, the defining feature is that infringement extends beyond a purely bilateral relationship and implicates an interest whose preservation is considered necessary for the functioning of the legal and social order. Iranian legal scholarship has consequently treated public rights as encompassing not merely traditional notions of public order and security but also interests associated with environmental protection, public health, public property, consumer welfare, natural resources, lawful administration, access to essential public services, and, increasingly, rights affected by technological and digital developments (Chasemi et al., 2022). The expansion of the concept reflects a broader transformation in the relationship between state institutions and society: public authorities are no longer expected only to punish conduct after serious injury has occurred but are increasingly required to establish mechanisms capable of preventing, identifying, stopping, and remedying violations affecting collective interests (Sheibani, 2020). Within this framework, the prosecutor occupies a distinctive position because the office combines the traditional function of representing the public interest in criminal proceedings with broader responsibilities associated with the protection of society against conduct threatening legally recognized collective interests.

The institutional position of the prosecutor in Iranian law cannot be understood merely by describing the prosecutor as the authority responsible for criminal prosecution. The concept of the public prosecutor historically developed around the idea that certain wrongs are not exclusively private disputes between an offender and a victim but injuries to the legal order requiring intervention by a representative of society (Akhoundi, 2016). This understanding explains why the prosecutor may initiate or continue public prosecution independently of the wishes of a private complainant in cases where the law recognizes a public dimension to the offense. It also provides an important theoretical basis for understanding the prosecutor's involvement in matters concerning public rights. The prosecutor acts neither as the private attorney of individual citizens nor as the institutional representative of the executive branch. Rather, the office forms part of the judicial structure and is expected to protect legality and the public interest through powers specifically conferred by law (Khaleghi, 2008). The prosecutor's status as a representative of society therefore differs fundamentally from administrative supervision exercised within the executive hierarchy. The distinction is crucial because the legitimacy of prosecutorial intervention depends on its connection to judicial authority and legal competence rather than a general claim to governmental guardianship. The public-interest character of prosecution gives the prosecutor a potentially active role, but it simultaneously subjects that role to the requirements of legality, impartiality, procedural fairness, institutional competence, and respect for the rights of persons affected by prosecutorial measures (Koushki, 2008).

The constitutional foundation for the protection of public rights lies principally in the duties assigned to the Judiciary, particularly the restoration of public rights, the expansion of justice and legitimate freedoms, and appropriate action for crime prevention. These constitutional responsibilities provide the normative context within which prosecutorial functions must be interpreted. They do not, however, establish an unlimited independent jurisdiction permitting prosecutors to intervene in every social, economic, administrative, or political controversy merely by characterizing the matter as one involving the public interest. The constitutional concept must be operationalized through ordinary legislation, criminal procedure, institutional regulations, and the legally defined jurisdiction of judicial authorities (Razazzadeh, 2021). This relationship between constitutional purpose and statutory competence is central to the problem addressed in this article. If public rights are interpreted too narrowly, the prosecution service may remain passive in situations where dispersed or collective injuries have no effective individual claimant. If interpreted too broadly, the concept can become a justification for intervention beyond statutory competence and may allow prosecutorial authority to displace executive administration, regulatory institutions, civil society, or even judicial decision-making itself. The protection of public rights therefore requires an approach capable of reconciling effectiveness with restraint.

The difficulty becomes more pronounced because the concept of public rights has no completely exhaustive statutory definition. The law identifies important manifestations of collective interests, while legal doctrine attempts to formulate broader criteria capable of explaining why certain interests merit public protection (Nikbakht, 2019). Environmental integrity, protection of national and natural resources, public health, public safety, essential infrastructure, consumer interests, lawful use of public property, cultural heritage, and collective interests in the digital sphere illustrate the variety of matters that may acquire a public-rights dimension. The boundaries nevertheless remain fluid. Some disputes simultaneously affect private and public interests; others begin as individual grievances but reveal systematic conduct affecting a wider population. An unsafe industrial facility, for instance, may endanger specific workers, neighboring property owners, environmental resources, and public health at the same time. Similarly, unlawful interference with digital services can implicate individual privacy while also affecting public security and access to essential communications (Naanakar, 2019). The existence of overlapping interests requires a legal criterion for determining when prosecutorial involvement is justified and what form such involvement should take. Without such criteria, inconsistent practices may emerge, with some prosecutors adopting expansive interventionist interpretations and others declining action in comparable circumstances.

The protection of public rights is also increasingly linked with preventive justice. Traditional criminal procedure is primarily reactive: an offense occurs, evidence is collected, a suspect is identified, prosecution begins, and a court determines criminal responsibility. Public-rights violations often challenge this sequence because waiting until the damage is complete may render judicial intervention ineffective. Environmental destruction, contamination of water resources, unsafe public facilities, systematic threats to health, unlawful encroachment upon natural resources, and large-scale disruption of essential services can produce consequences that cannot be fully repaired through punishment alone (Habibzadeh, 2018). Accordingly, preventive action has become an important aspect of the debate over prosecutorial responsibility. Iranian scholarship has emphasized the relationship between crime prevention, judicial responsibility, and protection of collective interests (Tangestani, 2015). Yet preventive intervention raises its own legal difficulties. The prosecutor cannot impose restrictions merely on the basis of abstract concerns or speculative risk. Preventive measures must rest on legal authority, an identifiable threat, appropriate evidence, and proportionality between the anticipated harm and the measure adopted. Otherwise, preventive justice may transform into unrestricted administrative control.

Another problem concerns the relationship between prosecution and other public institutions. Numerous bodies exercise functions relevant to public rights, including regulatory authorities, inspection institutions, administrative courts, environmental agencies, municipalities, health authorities, consumer-protection organizations, and agencies responsible for public property and natural resources. The prosecutor's role should complement rather than erase their statutory mandates. Institutional overlap can be beneficial where coordination permits rapid detection and response, but it can also produce jurisdictional conflict, duplication, and avoidance of responsibility (Mousazadeh, 2020). Where every institution expects the prosecutor to resolve regulatory failures, specialized agencies may become dependent upon judicial intervention instead of exercising their own legal duties. Conversely, if prosecutors consider administrative matters entirely outside their concern, serious violations affecting collective rights may continue despite the inability or unwillingness of executive institutions to respond. The appropriate model therefore requires cooperation without substitution: prosecutors should activate legal mechanisms where public rights are threatened while respecting the decision-making competence assigned to specialized bodies.

The prosecutorial role must also be considered in light of fair-trial guarantees. Protection of society cannot justify disregard for the rights of accused persons, officials, companies, or public bodies subject to investigation or prosecutorial measures. Criminal procedure derives its legitimacy not only from its ability to enforce substantive law but also from the fairness of the process through which public power is exercised (Khaleghi, 2020). The prosecutor's responsibility for the public interest should therefore be understood as including respect for lawful procedure. A prosecutor who seeks to protect public rights while disregarding legality, equality of arms, defense rights, judicial independence, or the distinction between prosecution and adjudication risks reproducing the very problem that public-rights protection is intended to prevent: the arbitrary exercise of public authority. The institutional strength of the prosecutor should consequently be accompanied by mechanisms ensuring reasoned decision-making, reviewability, proportionality, and accountability.

The issue is especially important because the prosecutor operates at the intersection of several functions. The office initiates prosecution, supervises aspects of criminal investigation, interacts with judicial officers, represents the public accusation,

participates in the execution of criminal judgments, and may become involved in situations requiring protection of broader collective interests (Goldoust Jouybari, 2014). This multiplicity can enhance the effectiveness of public protection, but it can also produce tension between the prosecutor's accusatory position and the broader expectation that judicial authorities safeguard legality and individual rights. The distinction between the prosecutor and the investigating judge, and more generally between prosecution, investigation, and adjudication, has therefore acquired particular importance in modern criminal procedure (Aliabadi, 2013). The prosecutor must be sufficiently empowered to respond to public harm but should not absorb functions that require institutional independence from the prosecutorial perspective.

Against this background, the central issue is not whether the prosecutor should participate in the protection of public rights, because the legal system clearly recognizes a significant public-interest role for the prosecution service. The more difficult question concerns the content and limits of that role. The present study therefore aims to identify the principal duties of the prosecutor in pursuing and protecting public rights, distinguish legitimate preventive, criminal, civil, and coordinative interventions from legally impermissible forms of interference, and explain the institutional and procedural safeguards necessary to reconcile effective protection of collective interests with the rule of law.

2. Legal Foundations and Scope of the Prosecutor's Responsibility for Public Rights

The legal foundation of prosecutorial responsibility for public rights must begin with a clear understanding of the distinction between the public interest and purely private claims. Private rights ordinarily presuppose an identifiable rights-holder capable of disposing of the claim, seeking compensation, waiving enforcement, or determining whether litigation is worthwhile. Public rights differ because the protected interest transcends the exclusive control of one individual. A polluted river, destruction of protected natural resources, widespread distribution of dangerous products, severe impairment of public infrastructure, or conduct systematically endangering community health cannot be reduced to the sum of separate private claims. Even where identifiable individuals suffer direct damage, the legal order may recognize an additional collective dimension requiring public intervention (Katouzian, 2011). This distinction explains the institutional need for a public authority capable of acting when no single individual has sufficient incentive, standing, resources, or information to initiate proceedings. The prosecutor, as the traditional representative of public prosecution, is structurally suited to perform part of this function, particularly where infringement of the collective interest is connected with criminal conduct or requires judicial intervention.

Nevertheless, public rights should not be confused with every governmental interest. The interests of an administrative agency, a state-owned enterprise, or a particular governmental program are not automatically equivalent to the rights of the public. The prosecutor's duty is therefore not to defend governmental institutions against criticism, legal challenge, or ordinary administrative disagreement. The relevant interest must relate to legality, collective welfare, public security, shared resources, legitimate freedoms, or another legally recognized social interest. The distinction is consistent with the conception of the prosecutor as representative of society rather than agent of the executive branch (Sheykhi Tameh et al., 2024). Prosecutorial independence would be undermined if the office were treated merely as an enforcement mechanism for executive preferences. Conversely, viewing the prosecutor as a guardian of public legality allows intervention against private actors and, where legal conditions exist, against unlawful conduct or omissions attributable to public institutions themselves.

The constitutional position of public rights reinforces this understanding. The Judiciary's responsibility for restoring public rights and expanding justice and legitimate freedoms establishes public-rights protection as a judicial objective rather than an exclusively administrative matter. The same constitutional framework recognizes crime prevention as a judicial responsibility, connecting reactive adjudication with preventive functions (Ghaffari, 2017). Yet constitutional principles must be interpreted systematically. Judicial protection of public rights cannot nullify the separation of powers, independent competences of administrative institutions, legality of criminalization, or procedural guarantees. A constitutional duty is not equivalent to an unrestricted operational power. Its exercise requires legal mechanisms. Therefore, the prosecutor's authority should be derived from the combination of constitutional principles, provisions of criminal procedure governing the prosecution service, substantive criminal laws, specific statutory mandates, and legally valid judicial regulations.

Within criminal procedure, the prosecutor's core position is connected with preservation of public rights, initiation and conduct of public prosecution, supervision over judicial officers within the legally defined sphere, and participation in the preliminary process in accordance with the distribution of powers between the prosecutor and investigating authorities

([Akhoundi, 2016](#)). This statutory architecture is important because it rejects two opposite misconceptions. The first is that the prosecutor has no role beyond filing indictments after criminal investigations have concluded. Such a narrow reading fails to acknowledge the supervisory and public-interest dimensions of the office. The second misconception is that the prosecutor, because of the public-interest mission, possesses a general competence to issue binding instructions on any matter affecting society. That expansive interpretation disregards statutory allocation of authority and risks transforming prosecutorial responsibility into an undefined general supervisory jurisdiction.

The relationship between the prosecutor and the investigating judge illustrates the importance of functional differentiation. Contemporary criminal procedure seeks to prevent excessive concentration of accusation and investigation in the same authority. The investigating judge is expected to conduct legally required investigative measures with a degree of institutional autonomy, while the prosecutor represents the public prosecution and exercises legally prescribed supervisory and procedural powers ([Koushki, 2008](#)). The distinction protects impartiality and ensures that evidence is not gathered solely from an accusatory perspective. Public-rights cases do not justify abandonment of this structure. On the contrary, because such cases may attract significant public attention and institutional pressure, observance of procedural boundaries becomes especially important. An environmental disaster, public-health emergency, major corruption allegation, or serious failure of public services may create pressure for immediate visible action; however, urgency cannot justify fusion of prosecution and adjudication or disregard for evidentiary requirements.

The scope of public rights can be illustrated through several domains without treating them as separate categories of prosecutorial jurisdiction. Environmental protection is among the clearest examples because environmental injury may be diffuse, cumulative, scientifically complex, and irreversible. Legal protection of natural resources and environmental assets reflects the idea that certain resources are held for the benefit of the community and future generations ([Hedayati, 2017](#)). Prosecutorial involvement may be justified when conduct constitutes an offense, when judicial action is necessary to prevent continuation of illegal harm, or when relevant statutes authorize public proceedings. Public health provides another example. Distribution of unsafe food or medicine, systematic disregard of mandatory health standards, and serious contamination of commonly used resources may simultaneously produce individual victims and broader social danger ([Habibzadeh, 2018](#)). In such circumstances, public prosecution serves not only retributive purposes but also the protection of a population exposed to common risk.

Economic and consumer interests similarly demonstrate why public rights cannot be confined to conventional public-order offenses. Markets can be affected by organized conduct that harms broad categories of consumers, disrupts access to essential goods, or undermines legally protected standards. The prosecutor's involvement, however, should depend on a legal basis for judicial or criminal action rather than general dissatisfaction with market conditions. Prosecutorial authority does not encompass price-setting, economic planning, or routine regulation unless specific law assigns such functions. This distinction is essential to preventing the concept of public rights from becoming a vehicle for intervention in ordinary administrative policy. The prosecutor may respond to legally defined offenses, systematic violations, fraud, threats to public safety, or other conduct falling within judicial competence, while economic agencies remain responsible for policy and regulatory administration ([Pazhouyan, 2016](#)).

Technological development creates additional complexity. Digital environments have become essential spaces for communication, commerce, education, public services, and social interaction. Consequently, cybercrime, large-scale misuse of data, disruption of essential digital systems, and systematic online fraud may affect interests extending beyond individual complainants ([Naanakar, 2019](#)). At the same time, prosecutorial intervention in cyberspace carries substantial risks for legitimate freedoms and privacy. The fact that digital conduct can affect large populations does not eliminate requirements of legal authorization, necessity, and proportionality. The prosecutor's responsibility is to enforce the law and protect recognized public interests, not to exercise unrestricted control over lawful communication. This area exemplifies the general principle that the broader the potential reach of prosecutorial action, the greater the need for precise statutory boundaries and procedural safeguards.

Public rights also interact with the concept of legitimate freedoms. Protection of collective interests should not be framed as inherently antagonistic to individual liberty. In a constitutional legal order, legitimate freedoms themselves constitute part of the public interest. Freedom from arbitrary interference, access to justice, procedural equality, personal security, and lawful

exercise of individual rights are not merely private concerns but components of public legality (Soltani, 2014). Therefore, the prosecutor should not understand the public interest exclusively as security, order, or institutional efficiency. An intervention supposedly designed to protect society may itself violate public rights if it disproportionately restricts lawful freedoms or bypasses procedural guarantees. This dual responsibility requires prosecutors to assess not only the harm they seek to prevent but also the consequences of the measures used to prevent it.

The legal concept of prevention requires similar precision. Prevention may include institutional coordination, early identification of unlawful risks, formal warnings, reporting deficiencies to competent agencies, seeking legally authorized precautionary measures, and initiating proceedings before harm becomes irreversible where statutory conditions are satisfied (Sheibani, 2020). It does not authorize punishment before an offense, restrictions based solely on conjecture, or administrative commands lacking a legal foundation. The distinction between prevention and premature coercion is fundamental. Preventive action is legitimate when it relies on law and responds proportionately to an identifiable risk; it becomes problematic when the anticipation of harm substitutes for legal evidence and due process.

The prosecutor's role should therefore be conceptualized through several interconnected dimensions. First, the prosecutor acts as a public criminal claimant when public rights are violated through criminal conduct. Second, the prosecutor may exercise preventive functions where legislation permits action to avert legally cognizable public harm. Third, the office can facilitate coordination among institutions whose functions intersect with public-rights protection. Fourth, where legislation allows, the prosecutor may pursue judicial remedies aimed not merely at punishment but at cessation of unlawful conduct, restoration, or protection of collective interests. Fifth, the prosecutor must ensure that the exercise of these functions remains compatible with the rights of suspects, accused persons, public institutions, and private entities subject to investigation (Khaleghi, 2020). These dimensions should be understood together: effectiveness without legality produces arbitrary intervention, while legality interpreted as institutional passivity may leave collective interests without meaningful protection.

A coherent model of prosecutorial responsibility consequently requires a distinction between substantive public rights and institutional competence. The breadth of public rights does not itself determine the breadth of prosecutorial authority. An interest may unquestionably be public while primary responsibility for its realization belongs to another institution. Education, healthcare, environmental management, transportation, energy distribution, urban administration, and natural-resource governance all contain public-rights dimensions, but prosecutors are not administrators of these sectors. Their role arises when legally defined violations, omissions, threats, or disputes require judicial action. This distinction is essential for maintaining both effective public protection and constitutional allocation of governmental functions (Mousazadeh, 2017). The appropriate question is therefore not merely whether a matter concerns the public, but whether the law authorizes a particular prosecutorial response to the identified threat.

The institutional foundation of public-rights protection should finally incorporate civil society and public participation. Because prosecutors cannot independently identify every violation affecting society, citizens, professional associations, non-governmental organizations, media, experts, and specialized institutions play an important informational role. Public reports may reveal environmental offenses, unsafe conditions, systematic fraud, unlawful occupation of public resources, or administrative failures that would otherwise remain invisible. Yet public participation should not be reduced to informal pressure upon prosecutorial discretion. Reliable procedures are needed for receiving reports, assessing their evidentiary basis, referring non-judicial matters to competent institutions, and protecting against selective or politically motivated enforcement (Afshari & Patef, 2021). A prosecutor committed to public rights must therefore be accessible to information from society while remaining institutionally independent in determining whether legal intervention is justified.

3. Legitimate Functions and Forms of Prosecutorial Intervention

The first and perhaps most important duty of the prosecutor in the field of public rights is to develop a legally grounded preventive approach. Public-rights violations frequently involve risks whose consequences become substantially more difficult to remedy after completion. Where pollution has permanently damaged an ecosystem, unsafe infrastructure has caused mass casualties, public property has been irreversibly destroyed, or dangerous goods have been widely distributed, subsequent prosecution may establish responsibility but cannot fully restore the lost interest. Preventive intervention is therefore consistent with the protective function of public prosecution, provided that such intervention remains tied to identifiable statutory

authority (Sheibani, 2020). The prosecutor may receive information from citizens, judicial officers, administrative agencies, inspectors, experts, or other lawful channels and determine whether the information indicates a concrete threat to protected public interests. In appropriate circumstances, the office may issue warnings, request explanations, require competent agencies to report the measures taken within their jurisdiction, refer matters to regulatory authorities, or initiate judicial proceedings where legal requirements are satisfied. Such intervention should be directed toward activation of existing legal duties rather than creation of new administrative obligations by prosecutorial command.

Warnings and notices are particularly useful because they permit early response without immediate resort to coercive criminal measures. A prosecutor who receives credible information concerning unsafe public infrastructure, unlawful disposal of hazardous waste, unauthorized occupation of natural resources, or systematic disregard for mandatory safety regulations may call the competent entity's attention to the legal risk and require an explanation or lawful response where the relevant legal framework permits such communication (Tangestani et al., 2018). The effectiveness of these mechanisms lies in their capacity to prevent harm while preserving institutional competence. The prosecutor need not personally manage an industrial facility, environmental program, municipal project, or public-service network. Rather, the office can require legally responsible institutions to discharge their own duties and, where failure itself constitutes a legal violation, use available judicial mechanisms. This model avoids two undesirable extremes: prosecutorial passivity on the one hand and judicial administration of executive affairs on the other.

Preventive intervention must be evidence-sensitive. The public character of an alleged harm does not reduce the need for reliable information. Indeed, the reputational and operational consequences of prosecutorial intervention can be significant even before formal charges are filed. Public statements, closure of facilities, freezing of operations, or compulsory measures may affect employees, consumers, investors, administrative institutions, and third parties. Consequently, intervention should be proportionate to the reliability of information and seriousness of the anticipated harm. Where a risk can be addressed through inspection by a specialized body, requesting such inspection may be preferable to immediate criminal action. Where there is evidence of imminent and irreversible danger and the law authorizes precautionary judicial measures, stronger intervention may be justified. This graduated approach reflects the principle that the prosecutor's responsibility is not to maximize coercion but to secure lawful protection of the public interest (Ghamami, 2018).

The prosecutor's traditional and strongest competence emerges when infringement of public rights constitutes a criminal offense. Upon receiving legally sufficient information regarding such conduct, the public-prosecution function requires appropriate action in accordance with criminal procedure. This includes evaluation of the report, preservation of evidence, supervision of judicial officers within the limits established by law, referral for investigation where required, assessment of evidence, and initiation or continuation of public prosecution when statutory conditions are satisfied (Akhoundi, 2016). Public-rights cases may require greater technical expertise than ordinary criminal files because causation, collective harm, scientific evidence, administrative regulations, and complex institutional structures can become central. Environmental offenses may require laboratory evidence and expert analysis; public-health cases may depend upon medical and technical standards; economic violations may require examination of organizational records; cyber cases may involve digital evidence and technologically sophisticated attribution (Naanakar, 2019). The prosecutor should therefore treat specialized expertise as an essential component of effective public prosecution rather than an optional supplement.

The relationship with judicial officers is particularly important in these cases. Police and other legally recognized officers may possess the operational capacity to preserve evidence, conduct inspections within statutory limits, identify suspects, document dangerous conditions, and secure relevant records. Prosecutorial supervision helps ensure that investigative action remains connected with lawful objectives and procedural standards (Khaleghi, 2008). Yet supervision does not mean that every investigative act should be directly controlled in a manner undermining the competence and independence assigned to investigating authorities. The legal structure governing preliminary investigation must be respected. The prosecutor represents the public accusation and ensures lawful pursuit of the case, while the investigating judge or other competent authority performs functions allocated by procedural law. The effectiveness of public-rights prosecution depends on cooperation between these roles rather than their fusion.

Where criminal proceedings are initiated, the prosecutor should formulate the accusation with particular precision. The broad language of public harm cannot substitute for the legal elements of an offense. It is not sufficient to allege that conduct

was “against public rights”; the prosecution must identify the applicable criminal provision, establish material and mental elements where required, present evidence connecting the defendant to the conduct, and demonstrate causation when the offense depends upon harmful consequences (Goldoust Jouybari, 2014). This requirement is especially significant because public concern can generate pressure for symbolic prosecutions. A serious social harm may have occurred without every responsible failure amounting to a criminal offense. Administrative negligence, regulatory deficiency, civil liability, disciplinary misconduct, and criminal responsibility must therefore be distinguished. The prosecutor should resist converting every institutional failure into criminal liability merely because the public has suffered harm.

The duty to distinguish crimes from non-criminal violations is one of the most important safeguards against excessive prosecutorial intervention. The principle of legality requires criminal responsibility to rest on pre-existing legal provisions defining prohibited conduct and sanctions. Prosecutors cannot remedy legislative gaps by expanding criminal statutes through analogy or broad public-interest arguments (Shiri, 2007). Where harmful conduct does not satisfy the elements of a criminal offense, other legal responses may still be available. The matter may be referred to an administrative regulator, disciplinary authority, civil court, inspection body, or competent public institution. This differentiated response increases rather than diminishes the effectiveness of public-rights protection because it directs each problem to the mechanism designed to address it.

Civil and restorative dimensions of prosecutorial action are therefore increasingly important. Punishment may deter future violations and express social condemnation, but it does not automatically restore damaged public interests. Environmental harm may require remediation, unlawful occupation of public land may require restoration of possession, dangerous installations may require correction, and economic misconduct may require recovery of unlawfully obtained assets (Hedayati, 2017). Where legislation provides standing or authority, the prosecutor can support or initiate measures designed to stop continuing harm and facilitate restoration. The legal objective should be to return the affected public interest as closely as possible to its lawful condition rather than treating conviction as the sole measure of success. Such an approach is compatible with broader developments emphasizing restorative and preventive functions of justice.

Restoration should nevertheless remain judicially controlled where it affects the rights of defendants or third parties. A prosecutor cannot independently invent compensatory obligations or compel private entities to undertake measures beyond those authorized by law. Agreements, settlements, corrective undertakings, or remedial measures must operate within applicable procedural frameworks. This limitation is particularly important when the prosecutor negotiates with entities accused of harming public interests. The imbalance of power between the prosecution service and a private organization may create pressure to accept obligations unrelated to the alleged violation. Transparency, proportionality, and reviewability are therefore necessary to ensure that restorative mechanisms remain legal rather than becoming informal sanctions.

Institutional cooperation constitutes another legitimate dimension of prosecutorial activity. Public-rights cases frequently cross organizational boundaries. Environmental protection requires engagement with environmental authorities; health-related violations may require specialized agencies; public resources may involve land and natural-resource organizations; digital offenses may require technical and communications expertise; public-service failures may involve municipalities or sectoral regulators (Hedayati, 2017). Cooperation permits prosecutors to rely on specialized information while preserving the distinct responsibility of each institution. It can include requests for expert reports, exchange of legally shareable information, coordinated inspections where authorized, referral of administrative violations, and joint planning for prevention. The goal is not to establish prosecutorial supremacy over regulatory agencies but to ensure that institutional fragmentation does not leave serious public harm unaddressed.

The prosecutor should also use prioritization. The category of public rights is too broad for every potential violation to receive identical prosecutorial attention. Rational prioritization should take account of seriousness, scale of harm, irreversibility, vulnerability of affected populations, risk of recurrence, evidence of organized or systematic conduct, failure of ordinary regulatory mechanisms, and availability of alternative remedies (Zahedi, 2020). Prioritization differs from arbitrary selectivity because it is based on transparent legal and institutional criteria. A specialized prosecution unit may reasonably devote greater resources to environmental destruction affecting a large population than to an isolated regulatory irregularity readily correctable by an administrative agency. Developing such criteria can improve consistency between prosecution offices and reduce dependence on media attention or temporary public pressure.

Public participation should support this system through structured reporting mechanisms. Citizens often possess information that formal institutions lack, particularly concerning local environmental harm, corruption affecting public resources, dangerous conditions, and systematic administrative failures. Civil society can therefore function as an important source of information and expertise (Moradi Berlian, 2017). However, public reporting should initiate evaluation rather than predetermine prosecutorial action. Prosecutors must distinguish substantiated allegations from rumor, political dispute, competitive complaints, or attempts to use criminal justice for private advantage. A transparent intake and assessment procedure can both increase public access and protect prosecutorial independence.

Another legitimate function concerns protecting public rights during the criminal process itself. The prosecutor's responsibility to society does not end with bringing charges. The office should ensure that proceedings are conducted efficiently, unnecessary delays are avoided, victims and affected communities receive legally available information, expert evidence is properly presented, and judgments are effectively executed (Kabgani & Nasrollahi Nasrabad, 2020). In public-rights cases, delayed enforcement may permit continuing harm. A judgment requiring cessation of unlawful activity or restoration of public assets has limited value if execution is ineffective. Consequently, monitoring the lawful execution of criminal judgments forms an important component of meaningful protection.

The prosecutor should at the same time understand that the accused possesses rights whose protection is itself a matter of public legality. The obligation to prosecute does not entail a duty to obtain conviction at any cost. Evidence favorable to the accused cannot be ignored, coercive measures must satisfy legal conditions, and public communications should not destroy the presumption of innocence. This balanced conception corresponds to the prosecutor's position as a judicial actor serving legality rather than a purely adversarial litigant (Khaleghi, 2020). Particularly in highly visible public-rights cases, professional restraint is indispensable because premature declarations of guilt can influence public opinion and undermine fair adjudication.

Ultimately, legitimate prosecutorial intervention in public-rights matters should follow a sequence of legal assessment. The prosecutor should identify the protected public interest, determine whether a concrete violation or legally cognizable threat exists, establish which institution possesses primary jurisdiction, assess whether judicial or prosecutorial authority has been triggered, select the least intrusive effective legal mechanism, ensure procedural guarantees, and monitor the outcome. Such a model converts the broad constitutional commitment to public rights into disciplined legal practice. It also preserves the distinctive value of the prosecutor: an institution capable of mobilizing public justice where individual enforcement is inadequate, without transforming the prosecution service into a general administrative authority.

4. Legal Constraints, Prohibited Interventions, and Practical Challenges

The effectiveness of the prosecutor in protecting public rights depends as much on legal restraint as on institutional power. The first and most fundamental constraint is the principle of legality. Neither the social importance of an interest nor the seriousness of public concern permits prosecution without a pre-existing legal basis. Criminal law requires clarity regarding prohibited conduct, competent authorities, procedural powers, and sanctions (Shiri, 2007). Consequently, the concept of public rights cannot itself operate as an independent criminal offense. A prosecutor may regard particular behavior as harmful to society, irresponsible, unethical, or contrary to sound administration, yet criminal prosecution remains permissible only when the conduct satisfies the elements of an offense defined by law. This principle protects citizens against arbitrary expansion of criminal liability and protects the Judiciary from becoming a substitute legislature. It also strengthens public-rights enforcement by ensuring that prosecutions are legally defensible rather than symbolic responses to controversy.

The same principle applies to preventive measures. An anticipated risk does not authorize any measure considered useful by the prosecutor. Restrictions upon property, liberty, business activity, access to information, communication, or administrative operations require an identifiable source of legal authority. The danger of overreach is particularly significant because public-rights discourse often invokes urgent social interests. A prosecutor may understandably wish to stop conduct believed to threaten health or environmental safety, but urgency cannot eliminate jurisdictional requirements (Tangestani et al., 2018). Where the law provides for temporary judicial measures, they should be used in accordance with statutory conditions; where primary authority belongs to a regulator, the prosecutor should activate or challenge that mechanism rather

than assume regulatory power. The “should” of public protection is therefore always accompanied by the “should not” of jurisdictional excess.

A second limitation concerns separation of institutional functions. The prosecutor is not the general supervisor of all government agencies. Administrative bodies are governed by internal hierarchies, regulatory statutes, inspection mechanisms, audit systems, and administrative judicial review. Although prosecutorial intervention may be necessary where criminal conduct or legally defined public harm occurs, routine supervision of executive performance cannot be transferred wholesale to the prosecution service (Mousazadeh, 2020). Such a transfer would create several problems. It would weaken administrative accountability by encouraging agencies to wait for judicial instructions, burden prosecutors with technical management questions, and blur constitutional boundaries between judicial and executive functions. The appropriate prosecutorial response to administrative failure is therefore context-dependent: reporting and warning may be appropriate, referral to the competent authority may be necessary, and prosecution may follow where legal elements are established, but the prosecutor should not replace administrators in making policy or technical decisions entrusted to them.

The distinction between supervision and adjudication is equally critical within the Judiciary. A prosecutor who initiates or advocates a criminal accusation cannot simultaneously assume the role of impartial adjudicator. Modern criminal procedure relies upon institutional separation because the psychology and function of accusation differ from those of neutral judgment (Akhoundi, 2016). The same reasoning supports meaningful independence of investigative authorities in areas assigned to them by law. Excessive prosecutorial control over investigation can impair impartial fact-finding, particularly when institutional pressure favors a predetermined outcome. The prosecutor may provide lawful directions and exercise statutory supervision, but such authority must not be interpreted as permission to dictate conclusions unsupported by evidence (Koushki, 2008). Public-rights cases, despite their social importance, are not exceptions to fair procedural architecture.

Fair-trial guarantees establish a third major category of limitations. Equality of arms, defense rights, access to counsel, the opportunity to challenge evidence, reasoned decisions, judicial independence, and the presumption of innocence are not procedural technicalities that can be suspended whenever collective interests are invoked. They form part of the rule of law and therefore contribute to public rights themselves (Ghamami, 2018). If the state protects environmental, economic, or social interests through proceedings that disregard procedural justice, it weakens public trust in the legal system and creates a new form of rights violation. The prosecutor must therefore assess the legality not only of the defendant’s conduct but also of prosecutorial methods.

This requirement extends to entities accused of violating public rights. Public bodies, companies, officials, organizations, and individuals should receive clear notice of allegations, reasonable opportunities to respond, access to relevant procedures, and reasoned identification of the legal basis for prosecutorial measures. The fact that an institution is accused of harming the public does not deprive it of procedural rights (Razazzadeh, 2021). Consultation and the opportunity for explanation may also improve substantive accuracy. A problem initially appearing to result from deliberate noncompliance may arise from conflicting statutory duties, technical impossibility, emergency conditions, or jurisdictional ambiguity. Hearing the responsible institution does not weaken public protection; it reduces the risk of unlawful or ineffective intervention.

Proportionality provides another essential limitation. Prosecutorial measures should correspond to the seriousness, immediacy, and evidentiary basis of the threat. A minor correctable violation should not automatically trigger the same coercive response as conduct creating imminent danger to life or irreversible public loss. This principle is relevant to detention, seizure, closure orders where legally available, restrictions on activities, public disclosure of accusations, and other interventions carrying significant consequences (Khaleghi, 2020). Proportionality encourages prosecutors to distinguish between measures needed to preserve evidence, measures necessary to stop ongoing harm, and punitive effects that should follow only after adjudication. It also reduces the possibility that preventive powers become de facto punishment.

A particularly important prohibition concerns public condemnation before judicial determination. Public-rights cases often attract media attention because they concern matters such as environmental harm, corruption, unsafe products, public resources, or service failures. Prosecutors may need to communicate basic procedural information to the public, especially when rumors or safety concerns are widespread. Nevertheless, communications should respect the presumption of innocence and avoid presenting allegations as established guilt. Excessive publicity can damage reputations irreversibly, prejudice proceedings, and

encourage adjudication through public opinion rather than evidence. The prosecutor's public-interest role requires accurate communication, not public punishment before trial.

The prosecutor must also avoid conflating criminal, administrative, disciplinary, and civil responsibility. These forms of liability arise from different legal conditions and serve different purposes. An official may have performed poorly without committing an offense; a company may owe compensation without satisfying the mental element of a crime; an administrative agency may violate regulatory duties without its managers necessarily incurring criminal liability (Soltani, 2014). Treating criminal law as the default remedy for every public problem leads to overcriminalization and can ultimately weaken enforcement by producing poorly founded cases. The prosecution service should therefore identify the legally appropriate pathway and, where necessary, refer non-criminal matters to competent authorities.

Ambiguity surrounding the definition of public rights remains one of the principal practical challenges. Without a clear conceptual framework, prosecutors may reach substantially different conclusions about similar situations. Some may interpret public rights expansively, intervening in urban management, public services, environmental policy, consumer disputes, and administrative performance; others may reserve intervention for traditional criminal offenses with obvious collective effects (Nikbakht, 2019). Neither extreme is satisfactory. The absence of exhaustive definition may be unavoidable because public interests evolve, but legislation can establish criteria such as collective impact, indivisibility of the protected interest, seriousness of harm, inability of ordinary private enforcement to provide adequate protection, and connection with legally recognized public values. Such criteria would preserve flexibility while limiting arbitrary interpretation.

Fragmentation of legislation creates an additional problem. Rules relevant to public rights are dispersed across constitutional provisions, criminal procedure, substantive criminal laws, sector-specific legislation, judicial regulations, and institutional directives. Prosecutors may therefore confront uncertainty regarding their precise authority, especially in matters that cross criminal and administrative boundaries (Zahedi, 2020). Fragmentation can encourage both under-enforcement and overreach. A prosecutor uncertain about authority may remain passive despite serious harm, while another may rely on broad constitutional language to justify intervention beyond statutory competence. A coherent legislative framework defining triggers, available measures, cooperation procedures, and review mechanisms would reduce both risks.

Institutional overlap similarly affects implementation. The protection of public rights may involve prosecution offices, the General Inspection Organization, administrative courts, regulators, municipalities, environmental bodies, health agencies, police, and other institutions. Without clearly allocated responsibilities, parallel investigations can waste resources, while responsibility may also be shifted from one institution to another (Mousazadeh, 2017). Effective coordination requires formal channels for referral, exchange of information, expert consultation, and determination of lead responsibility. Such cooperation must respect confidentiality and procedural rules, but it should prevent institutional fragmentation from becoming a barrier to public protection.

Resource limitations represent another significant obstacle. The prosecutor's office already carries substantial responsibilities in ordinary criminal justice. Expanding expectations concerning public rights without specialized personnel, expert support, technological infrastructure, and prioritization mechanisms can produce symbolic rather than substantive enforcement (Kabgani & Nasrollahi Nasrabad, 2020). Complex environmental, economic, health, and digital cases demand expertise that general prosecution units may not possess. Establishing specialized divisions or expert networks can improve quality, but specialization should be accompanied by clear jurisdictional rules so that public-rights cases do not become detached from general procedural safeguards.

Professional training is particularly necessary because prosecutors must navigate disciplines beyond conventional criminal law. Understanding administrative competence, environmental causation, financial records, public procurement, digital evidence, scientific standards, and regulatory structures may be indispensable in specific cases. Specialized knowledge helps prosecutors determine when a matter actually requires criminal intervention and when another mechanism is more appropriate. It also reduces dependence on external agencies whose own conduct may be under scrutiny (Hedayati, 2017). Independent access to qualified expertise is therefore a safeguard for both effective enforcement and objective decision-making.

Political and economic pressures can further threaten consistency. Public-rights cases may involve powerful public bodies, major enterprises, influential economic actors, or issues generating intense political controversy. Prosecutorial independence is therefore central to credible enforcement (Sheykhi Tameh et al., 2024). Independence, however, should not be confused

with absence of accountability. Prosecutorial decisions affecting public rights should be subject to appropriate hierarchical, judicial, or procedural review where provided by law. Independence protects against improper external influence; accountability protects against arbitrary internal decision-making. Both are necessary to maintain legitimacy.

Selective enforcement can be especially damaging in this field. If prosecutorial intervention appears to depend on the identity of the alleged violator rather than the seriousness of harm, public-rights discourse may lose credibility. Similar cases should be treated according to similar legal criteria, whether the alleged violator is an individual, private corporation, municipality, or public agency (Afshari & Patef, 2021). Transparent prioritization policies and reasoned decisions can reduce perceptions of selective justice. Publication of anonymized or appropriately summarized institutional practices may also contribute to consistency without compromising ongoing proceedings.

Reviewability of prosecutorial measures should likewise be strengthened. Because preventive and supervisory actions may occur before formal criminal adjudication, affected persons can face significant consequences without an immediate trial. Where prosecutorial measures interfere materially with rights or institutional operations, the legal system should provide appropriate mechanisms for review (Ghaffari, 2017). Review prevents the concept of public interest from becoming a shield against scrutiny. It also encourages prosecutors to articulate the statutory basis, factual grounds, necessity, and proportionality of their decisions.

Public participation, though important, can itself create challenges. Social media campaigns, public outrage, and media pressure may draw attention to genuine violations, but prosecutorial priorities cannot be determined exclusively by visibility. Less visible harms affecting vulnerable populations may be more serious than highly publicized controversies. Prosecutors should therefore receive public reports while evaluating them through consistent evidentiary criteria (Naanakar, 2019). This approach protects both responsiveness and independence.

The most sustainable model is one in which the prosecutor operates as a catalyst for legality rather than an all-purpose administrator. The prosecutor should identify threats to collective interests, activate competent institutions, initiate criminal proceedings when legal conditions exist, seek lawful preventive or restorative measures where available, and ensure execution of judicial outcomes. The prosecutor should not legislate new crimes, substitute personal assessments for statutory criteria, manage executive institutions, determine guilt, disregard defense rights, or use public-rights rhetoric to circumvent ordinary procedural guarantees. The central principle is therefore one of bounded activism: sufficient authority to prevent institutional passivity, combined with sufficient legal restraint to prevent prosecutorial power from becoming itself a threat to public rights.

5. Conclusion

The protection of public rights has become one of the most important dimensions of the contemporary prosecutorial function in the Iranian legal system. Social development, technological change, increasing regulatory complexity, expansion of public services, environmental pressures, and the emergence of diffuse forms of collective harm have made it increasingly difficult to confine the prosecutor's role to the conventional image of an authority that becomes active only after an ordinary criminal offense has been reported. Public interests may be damaged long before a traditional prosecution becomes possible, and the harm may affect such a broad or indeterminate group that reliance on private complaints cannot provide adequate protection. The prosecutor therefore occupies an important institutional position through which the judicial responsibility for safeguarding public interests can become operational. Nevertheless, the effectiveness and legitimacy of this role depend upon maintaining a precise distinction between public protection and unrestricted intervention.

The analysis demonstrates that the prosecutor's role in relation to public rights can be understood through preventive, prosecutorial, restorative, coordinative, and supervisory dimensions, but each of these dimensions is legally bounded. Preventive action is necessary where delay may result in irreversible or widespread harm, yet prevention must rest on identifiable legal authority and evidence of a concrete risk. Criminal prosecution is indispensable where violation of public rights satisfies the elements of a criminal offense, but the social seriousness of the consequences cannot replace the statutory requirements of criminal responsibility. Restorative measures may be more useful than punishment alone where the principal objective is removal of danger, restoration of public resources, compensation for collective damage, or prevention of recurrence, but the prosecutor cannot create obligations unsupported by legislation. Institutional cooperation can improve enforcement, but it should not transform the prosecutor into the hierarchical supervisor of executive and regulatory agencies.

The concept of public rights itself requires greater legal clarity. An exhaustive definition may neither be feasible nor desirable because collective interests evolve with social and technological change. However, uncertainty regarding the concept should be reduced through statutory criteria capable of distinguishing genuinely public interests from ordinary private disputes and governmental policy preferences. Collective impact, legal recognition of the protected interest, seriousness and diffusion of harm, inability of individual enforcement to provide sufficient protection, and the relationship between the alleged violation and public welfare can provide useful criteria. Such an approach would maintain flexibility while reducing inconsistent interpretation among prosecutors.

A central finding is that the breadth of public rights should never be equated with unlimited prosecutorial jurisdiction. An issue may plainly affect society while remaining primarily within the jurisdiction of an administrative, regulatory, civil, or specialized judicial institution. Prosecutorial competence should arise from law rather than from the public importance of the issue alone. This distinction is necessary to preserve the separation of powers, avoid duplication of institutional responsibilities, and prevent specialized agencies from transferring their statutory obligations to the prosecution service. The prosecutor should compel respect for legality through the mechanisms available to the Judiciary, not become the administrator of environmental policy, health systems, energy networks, markets, municipalities, digital platforms, or natural resources.

The same principle applies within criminal procedure. Protection of public rights does not diminish the importance of the separation between prosecution, investigation, and adjudication. The prosecutor's accusatory and public-interest functions must remain distinguishable from the impartial fact-finding role of investigating authorities and the adjudicative function of courts. Concentration of these roles may produce rapid decisions, but speed obtained at the expense of impartiality ultimately damages both individual rights and the credibility of public-rights protection. The legal system should therefore ensure that prosecutorial supervision does not become domination of the investigative process and that prosecutorial assessments never substitute for judicial determination of guilt.

Fair-trial guarantees must be treated as an integral component of public-rights protection rather than as obstacles to it. The presumption of innocence, access to defense, equality of arms, reasoned decisions, proportionality, judicial independence, and opportunities to challenge coercive measures protect society against arbitrary state action. A legal order cannot coherently claim to defend public rights while violating these guarantees in the process. Accordingly, persons and institutions accused of harming public interests should receive notice of allegations, reasonable opportunities to respond, access to legally available review mechanisms, and protection against disproportionate or unsupported restrictions.

The study further shows that greater reliance on differentiated legal responses is necessary. Criminal law should not operate as the automatic remedy for every failure affecting the public. Administrative correction, civil liability, restoration, disciplinary proceedings, regulatory enforcement, negotiated compliance where legally permissible, and specialized judicial review may sometimes protect public interests more effectively than prosecution. The prosecutor's responsibility is therefore not simply to criminalize public problems but to identify the legally appropriate mechanism and ensure that serious violations do not remain without an effective response.

Institutional coordination is essential to this differentiated model. Public-rights protection requires cooperation among prosecutors, judicial officers, inspection institutions, administrative agencies, regulators, municipalities, environmental and health bodies, experts, and civil society. Cooperation should be formalized through clear procedures for referral, information exchange, expert assistance, and determination of institutional responsibility. Clear boundaries are as important as cooperation itself. Each authority should understand which duties it must perform directly, when information should be transferred, and under what conditions prosecutorial intervention becomes necessary.

Specialization should also be strengthened within the prosecution service. Public-rights cases increasingly require technical knowledge that cannot reasonably be expected from every general prosecutor. Environmental science, digital forensics, financial analysis, public administration, health regulation, natural-resource law, and complex causation may become decisive. Specialized units, continuing professional education, and independent access to expert assistance would improve the quality of prosecutorial decisions. Such measures would also reduce unnecessary criminal intervention by enabling prosecutors to recognize when technical or administrative remedies are sufficient.

A coherent prioritization system is equally necessary. Prosecutorial resources are limited, while potential public-rights issues are extensive. Priority should therefore be given to matters involving serious or irreversible harm, large affected populations, vulnerable groups, systematic or organized violations, threats to fundamental public resources, repeated regulatory failure, or

circumstances in which ordinary individual remedies are clearly inadequate. Transparent prioritization would help prevent public attention, political pressure, or media visibility from becoming the principal determinant of prosecutorial action.

Accountability must accompany stronger prosecutorial capacity. Effective public-rights protection may require prosecutors to act quickly and independently, particularly where powerful institutions or economic actors are involved. At the same time, independence cannot mean freedom from legal scrutiny. Significant measures affecting rights, property, organizational activity, or public institutions should be reasoned, documented, proportionate, and subject to appropriate review. Clear procedures for challenging prosecutorial decisions can increase public confidence while protecting prosecutors against allegations of arbitrary action.

Civil society should be recognized as an important source of information without transforming public prosecution into a mechanism driven by campaigns or public pressure. Citizens, experts, professional organizations, and non-governmental institutions can identify public harms that formal institutions fail to detect, but their reports should enter a structured process of legal and evidentiary assessment. This model can strengthen participatory protection of public rights while preserving prosecutorial independence.

The appropriate conception of the prosecutor is therefore neither passive nor omnipotent. A passive prosecutor may allow collective harm to continue because no individual claimant possesses sufficient power or incentive to act. An omnipotent prosecutor, by contrast, may undermine legality, administrative competence, individual freedoms, and fair procedure in the name of protecting society. The desirable model is an active but legally constrained prosecutor: an institution capable of identifying serious threats, activating legal mechanisms, coordinating competent authorities, pursuing offenders, seeking restoration of public interests, and preventing recurrence, while remaining bound by statutory competence, proportionality, due process, separation of functions, and judicial accountability.

Accordingly, reform should focus on clarifying the statutory framework governing public-rights intervention, distinguishing criminal from non-criminal mechanisms, defining relationships between prosecutorial and supervisory institutions, strengthening specialization, improving interinstitutional coordination, developing transparent prioritization criteria, and establishing effective review of significant prosecutorial measures. These reforms would not merely expand prosecutorial power. Their more important function would be to define that power with sufficient precision to make it both effective and legitimate. The protection of public rights is sustainable only when the institution charged with defending the public interest is itself governed by the rule of law. In this sense, the principal “duty” of the prosecutor is to ensure that collective interests are not abandoned in the gaps between institutions, while the principal “limit” is that public interest can never become an excuse for exercising authority beyond law. The balance between these two propositions provides the most coherent foundation for understanding the duties and limits of the prosecutor in pursuing and protecting public rights.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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