

# State Civil Liability Arising from Regulation

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The statement "Consequently, if governmental regulatory actions result in harm to individuals, the principles of civil liability dictate that the government must assume responsibility" would benefit from a specific example or legal precedent illustrating this transition from sovereign immunity to regulatory accountability.

The sentence "Naturally, those who have benefited from such legislation should bear the responsibility for compensating the losses" is a normative claim that requires either legal support or clarification, as the redistribution of liability to third parties is not commonly reflected in tort doctrines.

The phrase "governments consider themselves responsible for damages caused by their citizens' harmful actions" may be misleading—governments may assume such responsibility only under specific doctrines like vicarious liability or failure-to-protect duties, which should be clearly distinguished.

The discussion of regulation as "a method of governance" is conceptually sound, but it would be helpful to distinguish clearly between "primary" (legislative) and "secondary" (administrative) rulemaking for analytical clarity.

The sentence "The regulatory model implemented in Iran has been significantly influenced by the World Bank model" requires citation and explanation. Which specific WB guidelines are being referenced, and how has the Iranian model diverged from them?

You note that the Deregulation and Business Licensing Facilitation Commission eliminated "approximately 400" licenses. This data point lacks a source and would benefit from a citation or supporting government report.

The use of the Quran (Surah Yusuf, Verse 53) as a basis for legislative liability is a novel contribution but needs elaboration on its jurisprudential relevance in contemporary civil or administrative law.

Authors revised the manuscript and uploaded the document.

### 1.2. Reviewer 2

Reviewer:

The distinction between "employee's personal fault" and "administrative fault" is introduced but would benefit from a real case or administrative example in the Iranian context to clarify how this distinction is operationalized.

The citation of Article 13 of the 1993 Firearms Act is helpful, but the paragraph would be stronger with a case or instance showing how this has been implemented in practice or interpreted judicially.

The categorization of "pure inaction without a specific legal obligation" as fault appears overly broad and may contradict fundamental principles of civil law. This warrants greater nuance or doctrinal support.

The article mentions that "no one has the right to endanger another person's health or safety" under this theory. Consider specifying whether this is a constitutional principle, Islamic legal principle, or a general moral claim—and how it translates into actionable liability in Iranian law.

The claim that "no clear and sufficient legal foundations" exist for liability due to unlawful regulations is important—yet the article misses an opportunity to explore comparative legal systems (e.g., France's Conseil d'État jurisprudence) that face similar issues.

The Imam Khomeini University example is compelling but feels anecdotal. Consider supporting the analysis with legal or audit reports, or a reference to Administrative Justice Court rulings related to university governance.

You mention cyberspace as a regulatory gap but do not cite specific examples of social harm that resulted from this legislative vacuum. Including a case (e.g., data breach, online fraud) would strengthen this argument.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.