



*Aseorías y Tutorías para la Investigación Científica en la Educación Puig-Salabarría S.C.*  
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**TÍTULO:** El concepto de conveniencia en el sistema de procesamiento en Irán y el Reino Unido.

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**RESUMEN:** En este artículo, el autor intenta investigar lo que es conveniente considerando la conveniencia del fiscal, la conveniencia del individuo o la comunidad, y sobre la asunción de los intereses del individuo. ¿Deben considerarse los intereses del demandado o el interés de la víctima (demandante)? Además, este documento examina qué autoridad y la autoridad que identifica el fiscal como autoridad judicial o judicial (oficina del fiscal); sin embargo, ¿es digno de los legisladores en los sistemas legales que utilizan este sistema de enjuiciamiento criminal? Para evitar la tiranía del poder judicial y la verificabilidad de la decisión tomada en los textos legales, deben especificar personalmente el material.

**PALABRAS CLAVES:** derecho, persecución, sanción, fiscal, conveniencia.

**TITLE:** The concept of expediency at the system of prosecution in Iran and the United Kingdom.

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**ABSTRACT:** In this article, the author attempts to investigate what is expedient considering the expediency of the prosecutor, the expediency of the individual or community, and on the assumption of the interests of the individual, and if the interests of the defendant should be considered or the victim's interest (plaintiff)? In addition, this paper examines which authority and authority of the prosecutor identifies as a judicial or judicial authority (prosecutor's office); however, is it worthy of the lawmakers in the legal systems that use this criminal prosecution system? In order to prevent the tyranny of the judiciary and the verifiability of the decision made in the legal texts, they should personally specify the material.

**KEY WORDS:** law, prosecution, punishment, prosecutor, expediency.

**INTRODUCTION.**

The expediency has been taken of the term "peace" and peace has been used in the sense of anti-corruption (Ragheb Isfahani, 1991); and since expediency has always been used against corruption, some writers of the semantic axis call this concept "the benefit "(Eftekhari, 1998). Therefore, the general interest is any phenomenon or current that has a generic good (Alamardi, 1999).

In many countries with a highly experienced judicial system, it has often been seen that the courts have urged journalists to declare and disclose their source of information in response to the "general interest" requirement. Some argue that the "general interest" refers to a series of considerations in support of a certain policy that individuals do not resist for that reason; Because these considerations

are truly worthwhile for many people (Barry, 1977). Some have claimed that concepts such as general interest are ambiguous and controversial and deny the existence of a meaningful meaning for these concepts; others have tried to define it (Rasekh, 2016).

## **DEVELOPMENT.**

### **Concept of expediency.**

The meaning of expediency can be examined:

**Total number of individual expediency.** In this regard, we can refer to "Germain Bentham". In his view, "public expedient" is nothing but a combination of individual and private interests of members of the community. In other words, the interests and interests of society, apart from the private interest and privilege of each member, cannot be evaluated (Rasekh, 2016). This view, of course, is only right when the interests of the individual are never at odds with the expedient; for example, the individual's interest in obtaining high profits may be due to the supply of low-quality goods to the market; but the benefit of the community is to maintain a level of production that ensures the safety and health of its members. In this case, public interest is meant to be of interest to the majority of the people of the community (Kahaki & Jenaabadi, 2014; Parandjan et al, 2014).

**The expediency of the government.** Some thinkers of the "general interest" consider the society as one of the interests of the state, and the state is a manifestation of good and public interest, and is a true representative of the public interest. Thomas Hobbes is one of the thinkers who ultimately defend such thinking. Of course, this view is correct if, firstly, government officials do not necessarily recognize the "general interest"; secondly, they will do their utmost to implement it.

**Expediency of collective life.** Another group of "general interest" theorists regards issues and issues that affect all members of society (Barry, 1977; Nikolaeva & Savvinov, 2016). In other words, "public interest" is in fact the common interests of individuals as members of society.

**Interest in the concept of general interest.** Some writers believe that one of the most obvious examples of interest is public interest (Amid Zanjani & Musa zadeh, 2009). If we consider the benefit as one of the most expedient meanings, we must say in Iranian law the idea of the primacy of public interest is on the private good. The main criterion for realizing the concept of expediency in Iranian law is that its interests are public, although not everyone can directly benefit from it. In the area of general public interest in Iran, laws such as land tenure law for public and developmental projects adopted in 1979 can be mentioned. In the legal system of England, the situation is not this; the interests and private rights form the basis of this system.

England has this thinking with thinkers such as Thomas Hobbes, Germain Bentham, John Locke, Hume and Adam Smith. These thinkers were the founders of the idea of liberalism and individualism not only in England but in the world and have had a significant impact on the development of the attitude of rights to individuals and societies. In the legal system of “common law”, the independence of public law does not exist in the real and actual sense of private law, let alone the primacy of something called public interest in private gain.

In the UK, as a mother of common law, the public interest is limited to the law and the law of law, the rule of law and the Rule of the Rule rule. The system believes that the failure to consider the public interest in isolation from the private benefit of the state threatens human rights and freedoms in the country. Of course, public expedient is an accepted issue in England.

The rule of law in the UK is that it does not allow the use of legal instruments to harm others alone. Also, the British Parliament's attempt to pass laws that are in line with the public interest including the Police Act and Criminal Evidence, Police Act, and Anti-Terrorism Laws which was aimed at expanding the power of the police and arresting the people in order to regulate the society and to create security and the possibility of greater supervision over the people. all of them were indicative of the inability of the British legal system and the common law to deny the priority of public interest

in private gain in some cases. Even in the criminal prosecution of crimes, UK law believes that criminal prosecution is justified at a time when it is consistent with public interest (public interest).

**The concept of expediency at the prosecution stage.**

Although the term "expediency" is not explicitly included in the Criminal Procedure Code on Criminal Investigation, but with regard to the prosecution of material related specifically to Articles 80 and 81 of the Criminal Procedure Code, we find that the legislator indirectly, in order to enforce the requirement for prosecution in the form of filing a record file or suspending the prosecution, considers the material that, if there is any material, the prosecuting authority is able to stop the prosecution. In this regard, materials such as the absence of the plaintiff, the consent and the passing of the plaintiff can be counted as the lack of a record of effective criminal conviction of the defendant for compensation to the victim.

Iranian lawmakers in article B, Article 25 of the Islamic Penal Code, adopted in 1991, to issue a suspended sentence, stated that: "The court does not consider it appropriate to enforce all or part of the punishment by considering the social status and life history of the convicted person and the circumstances that caused the crime." The phrase "appropriate" in the article itself seems to be an instance of the legitimate interests of the legislature.

In English law, when there is sufficient evidence to justify prosecution or the provision of an out-of-court case, prosecutors must determine whether prosecution is in the public interest.

Under Article 304 of the Code of Crown Prosecution The prosecution begins, or continues, when the case has passed the two criteria of "evidence" and "general interest". The assessment of the public interest that is made within the framework of the positioning system is not limited to a specific type of crime and should apply to all cases (Dehdarzadeh, 2013).

Indeed, the royal prosecutors should pay attention to whether prosecution is in the public interest or not? Major cases of serious crimes are usually prosecuted; unless prosecutorial factors are in the general interest; so before proceeding with the issue in court, the police first and then the royal prosecutor's office (cps) should investigate whether such pursuit is really a matter of public interest. If not, the suspect should be released with a warning and without any further prosecution.

In the meantime, it is impossible to ignore the interests of the victim or the victim of crime. Of course, in the UK, cps is not a representative of victims of crime, because cps must make decisions that reflect the general interests of the community, not the interests of the individual or individual (the preference of the public interest to private gain). Of course, royal prosecutors are expected to be aware of the views of victims of crime and consider their interests only. One of the benefits of the crime victim is whether he is likely to receive compensation from the perpetrator.

In Iran's criminal code<sup>1</sup>, the victim of a crime has been named a plaintiff or a private claimant. The rights that are imposed on the plaintiff in pursuit of prosecution are that criminal prosecution cannot be initiated in past crimes without a plaintiff's complaint (Miri, 2011).

Consideration of Criminal Prosecution Attention to the Committee for the Prevention of Crime and the Treatment of United Nations Convicted Persons in paragraph 1-5 of the proposed resolution to the Eleventh Meeting of the Committee and under the heading "Prioritization of court decisions" stipulates that: "Police, prosecutors, or other officials responsible for criminal justice should, if it is expedient, be permitted to do so when this is not prevented by the legal system; to avoid resorting to crime when resorting to prosecution to protect the community, preventing crime or promoting the respect of the law or the rights of the injured. Each legal system will determine its rules on the necessity of pursuing or abandoning it.

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<sup>1</sup>Article 10 of the Criminal Procedure Code.

**The concept of expediency in criminal prosecution systems (necessity, proportionality).**

On the authority of the judicial authority (prosecutor's office) to move the chase, there are basically two different legal systems; one with the title "Legality principle in prosecution ", which justifies the obligation of the judicial authority to prosecute the offender, and the other " opportunity principle in prosecution " that defends the ability to judge the need for prosecution by courts and prosecutors.

The legality of a prosecution eliminates the judge's willingness to provide social benefits in cases where pursuit does not have any kind of social benefit and causes damage. There is no doubt that sometimes there are situations where the public interest requires flexibility and disdain for the offender. In addition, the criminal justice system cannot disregard the interests and interests of the offender.

The judge's obligation to pursue prosecution, regardless of the timing and frequent changes that cause daily routine, will lead to a fair trial without clarity and closed eyes (Imami & Sadeghi, 1998). On the contrary, in the system of suitability of the pursuit, the judicial authority has an active and strategic role because it will be sensitive to assessing the position of the prosecution. The judge seeks to assess the merits of the system in order to achieve the objectives of implementing criminal proceedings, as well as the necessity of moving criminal cases. The prosecution's prediction is inappropriate in evaluating and quantifying the pursuit of the concept of negation or doubt in any kind of tactic and response, and criminal justice system officials are the most effective way to reform the offender, to provide the community with the benefit of the victim; which is not hidden from the Iranian legislature, and Article 81 of the Criminal Procedure refers to some of these actions.

In England's criminal law, prosecution has been committed by police and victim. In fact, it is the police who decide to start pursuit. The survivor of the crime is more likely to recover from the crime and does not have the tendency to pursue the offender, and he prefers to claim the damage as a priority. Of course, the police are under the supervision of the Public Prosecutor's Office, which

according to the amendment introduced on the authority of the Public Prosecutor, For the purpose of controlling the police in pursuit, the Directorate of the Public Prosecutor's Office has been taken from the Police Department and has been brought before a judicial authority. The UK Royal Attorney General, as the UK's main public prosecutor, has been charged with prosecution of 1985 crimes.

In this section, it is worth noting that the English Penal Code is similar to Iran's criminal law in order to apply measures to correct the culprit, to provide the community with material and to repair the victim's loss under the rule of the prosecution, except (caution) in the final warning scheme, a young offender is referred to the group for juvenile delinquency.

In the Revised Code of Practice for conditional caution-adults, the terms are attached to the notice that the perpetrator must comply with and, moreover, in (code of practice for youth conditional caution for 16 & 17-year old) it is along with compliance with the conditions that they commit to obey.

### **Materials to be considered at the prosecution stage.**

#### ***Extent of the person.***

According to the theory of the individual's school of origin, given that the community is not just a bunch of human beings, the purpose of the rules and principles of the law is to provide freedom and respect for its natural personality. A free man is born and has the right to freely expand his material and spiritual activities; however, in order to protect the rights of all citizens, it is inevitable that each of them has the frontiers for the liberation of each, and everyone's freedom is limited to another. So, the duty of rights is to coordinate freedoms. According to the advocates of this school, the society is a subsidiary of the agreement between individuals, and the presumption of this agreement is a guarantee of the protection of the rights of individuals against the invasion of the state.

Given the hypothetical and unreal existence of society in this school, there is no notion of public good in the sense of expediency and benefit of society; therefore, the basic purpose of the rules and principles of law is the interests of individuals; but with regard to public freedom and competition, a natural order is created in a society where people are inevitably committed to each other, and everyone, while pursuing their own personal interests, also brings happiness to others. Therefore, from the point of view of this school, public benefit means a set of interests of individuals, in other words, public benefit is the sum of the private interests of individuals. In limiting or impairing the rights and freedoms of individuals, it must always be necessary to restrict the principles and rules of law in a limited way, since the principle is based on freedom, and the intervention of law to restrict freedom is an exceptional and contrary principle.

From the point of view of this school, which of the activists of the criminal justice system should be considered in order to match the prosecution: the interests of the victim or delinquent?

***It is expedient to have mischief.***

The new topic of crime victimization focuses on examining the participation of the victim or victim of crime in the criminal process. "Victim Chart" and the "Domestic violence, crime and victims Act", and several other regulations express the significant attitudes of the victim's rights to the victim's prosecution in recent years (Miri, 2011).

In England, the police, and the police, their decisions must take into account the wishes, desires, age and gender of the victims (Farajiha, Ghazvini, 2002). Generally, a crime occurs when an offender injures the victim's important interests.

The royal prosecutors do not meet the victims of the prosecution in the prosecution process, and only rely on the material contained in the bonds and consider their benefits. The use of the word "interests" instead of the word "wishes" has been done with purpose and purpose, and the royal prosecutors are expected to inform themselves of the victim's views and consider their interests only. In Iran's

criminal law, the first legal order to initiate criminal prosecution in the offenses of the law is the plaintiff's complaint. Judicial and law enforcement authorities are required to accept complaints in the same manner as they are submitted; hence, the invitation or coercion of the plaintiff to file a complaint in writing and to disregard oral or oral complaints (Akhundi, 1995).

The result of the comparison of these two countries in this area is that in England, the victim's interests are taken into account in the process of initiation and continuation of prosecution. In Iran, a similarity has been recognized as a crime victim. In the case of late offenses, the prosecution is stopped by the plaintiff's permission and complaint, but the difference between the rights of the two countries is that in England the interests of the victim are considered in pursuit, but in Iran, these tendencies are the victim's preferred interests in pursuit. Because as long as he does not begin to follow up on expired crimes. Another difference is that in the United Kingdom, in all crimes, the victim's interests are taken into account when making a decision on prosecution, but in Iran, only prosecuted crimes are subject to a plaintiff's complaint. The approach adopted in England seems to be due to the suitability of being pursued and more appropriate (Miri, 2011).

The authority of judicial authorities in assessing prosecution requirements may ultimately lead to a refusal to prosecute in the pursuit of criminal prosecution. If as a consequence, the accused will emphasize the prosecution and punishment of the perpetrator, how does the assessing authority, based on the victim's willingness, apply the results of his / her diagnosis and base his judgment on his belief? The existence of this interference has led to some significant correction in the protection and protection of the interests of the public against certain types of system in some of the system. As in some of the laws, especially in France, Portugal, Belgium and Luxemburg, if the prosecutor is inactive, the lawyer can directly go to the judge of the court and thus dispel public litigation; as a result, the prosecutor will be forced to pursue despite his own point of view (an issue that has not been foreseen in Iran's criminal law).

But is the court, in any circumstances, obliged to respond to the victim's desire and, despite its assessment, pursue the criminal proceedings and convict the perpetrator?

Forecasting an effective and efficient role for the victim in the criminal justice system of Islam leads to the priority of providing material and compensating for him, as opposed to many of the materials that are needed to leave the pursuit. However, although emphasis is placed on the necessity of repairing damages against insecurity; However, this will not preclude the judge from suspending the execution of a punishment, in spite of the willingness of the offender, in cases where the judge finds expediency in not prosecuting a criminal prosecution. Obviously, in such a case, the ruler is also required to apply appropriate non-criminal measures in accordance with the foreseen criteria in order to compensate for the damage to the victim's interests (Sadeghi, 2005).

***The criminal interest.***

It can be said that the interests and interests of the criminal need to be compensated for the loss of victim and his gratitude, the punishment of punishment and criminal tags, and the return to society will be realized for him. The judicial authority can be in the preliminary stage after reviewing the circumstances of the crime, the personal and perilous situation of the perpetrator, the manner of committing the crime, the severity and weakness of the crime of committing, repenting and regretting the delinquent, in case of expediency, individual rights and freedoms and the interests of the community are constantly aligned with each other, and in this case, they will adopt the most expedient decision (Shidayan, 2009).

Identifying the delinquent by advancing their position in criminal justice with an accused / offender approach is seeking to create new platforms for responding to delinquency. This goal has the effect of enabling criminal justice practitioners to adopt a judicial-criminal decision, at least in a number of cases, with the participation of the offender. (Article 81 of the Criminal Procedure Code). In the light of this strategic change, perpetrators enjoy equal rights to judicial authorities in some areas of criminal

justice; so that their satisfaction can be very effective in changing the direction of prosecution of criminal cases and the level of criminal policy responses.

Leaving criminal prosecution can be justified if the criminal offender's capacity for criminal misconduct is mild and, in a way, that it is possible to resort to non-criminal means in his reformation, and in any case, the evaluation would rationally lead to non-repetition of the offense.

In England law, the prosecutor must also consider his interests when the accused is young. Tagging a conviction can cause serious harm to suspects; however, prosecutors should not avoid prosecution simply because of the age of the accused; young offenders, however, cannot be dealt with at any time without going to court. The severity of the crime or the behavior of the former accused may necessitate pursuit.

#### ***Collective interest 4.2.***

One of the most important ideas that have long been the attention of jurists in justifying many legal rules and principles is the theory of "the primacy of public interests and interests in private interests and interests". According to this theory, in each community, two public and private benefits are against each other; and public interest should always be given priority over private gain. The purpose of public interests and interests is the interests and materials that somehow relate to the general public. In the theory of the school of social authenticity, the purpose of the rules of law is to provide the benefit of the community and to create order in the lives of its constituents.

Society is not a group of independent individuals, but a single, interconnected phenomenon that directs all its present and potential power to one goal, and that purpose is nothing but total wealth and the interests of the public. In addition, contrary to the perception of the advocates of the individual's school of thought, society is not a credit concept, but a real one, which one can imagine only within its framework. In other words, the person is a social being that communicates with others in the realization of the general interests of the community; and the duty of the rights is to preserve the

community and to serve the individual in order to secure its interests and interests (Bagherinejad, 2015).

Some public interest relies on the collective interest of individuals as members of the community (Bayat Komitki, 2006). On the basis of this idea, the identification of universal interest depends on the recognition of the public interest (all members of society), and it is only through this that one should seek to regulate the affairs. Thus, the universal interest embraces those needs and demands of human life that benefit all members of the community.

In England law, royal prosecutors must consider whether pursuit is in the public interest or not. In cases of severe and severe cases, it is usually pursued; unless prosperous public interest factors. These factors should be carefully and accurately quantified and those who can influence the decision to pursue are usually dependent on the severity of the crime or the circumstances of the perpetrator; and in the case of a more serious crime, it is more likely that pursuit is in the public interest. A chase is probably not necessary if:

- 1) The court will probably impose a very small or partial punishment (low or no punishment)
- 2) The crime has occurred as a result of a real mistake or misunderstanding.
- 3) Loss or damage is described in detail, as a result of a mere occurrence.
- 4) A pursuit may have a very bad effect on the physical and mental health of the victim and always reminds him of the severity of the crime.
- 5) There is a long delay between the crime and the trial date. unless:
  - the crime is serious.
  - Delayed area is from the accused.
  - The crime has recently been discovered.
  - The complexity of the crime is such that long research is required.

6) the accused is aged; or at the time of committing a crime suffers from a severe mental harm or physical illness unless the crime is severe or there is a real risk of it being repeated.

7) The accused will pay the damages or damages he or she has entered (Dehdarzadeh, 2013).

Under Article 304 of the Code of Attorney's Attorney, the prosecutor will pursue or pursue a prosecution where the case has passed through two criteria for public prosecution and public benefit. This indicates that the use of the public interest criterion for pursuing criminal offenses should be considered by the prosecutor both in the beginning and in the future.

In a traditional approach to criminal justice, prosecution and punishment of offenders is the most important mechanism for achieving universal prosperity. In the light of this approach, the judicial authority at various stages of the criminal process is obligated to proceed with the criminal / criminal procedure with a procedural approach (Bushehri, 2008). But in a new approach to criminal justice, the general interest does not merely depend on the prosecution of the perpetrators; rather, criminal justice officials can decide on whether or not to prosecute or punish perpetrators through mutual evaluation of the circumstances of the crime, the parties involved in the crime and society. Of course, the judiciary's assessment of the state of affairs and, ultimately, his decision is dependent on his accurate identification of the components of the general interest (Khazani, 1998).

Naturally, human dignity, defense rights of defendants, the rights of victims, the protection of social values and the protection of public order are among the most prominent components that a judiciary must consider when deciding them (Katouzian, 2001). That is why in the article "12" and clauses (A and B) of Article "13" guidelines for the role of prosecutors. The observance of human rights standards, attention to the interests of the community and the role of criminal litigation and realism are included among the fundamental functions of prosecutors.

***Criminal prosecution method and reference.***

In societies in which citizens are dignified and dignified, the focus of all decisions and policies is the general and individual interests of citizens. These are the same collective values as the judicial system expressing and guaranteeing part of them. The question now is, at what stage of prosecution is the reference and authority of the discretion and interest?

***Excerpting by the legislator.***

The first step in the exercise of expediency is the legislative stage; the legislator takes into account the social interest of the individual, with the passing of laws. It is a principle of law-making, which neglects to cause laws to be abandoned. The legislator should only endorse those social values, whose violation would severely hurt the sovereign's sovereignty. This kind of expediency is relative to the function of time and place (Neglect, 2005).

In the past, criminal behavior was considered to have harmed people, but nowadays it attempts to address the personal aspects of crimes through non-criminal cases; and a series of new social values; including: environmental crime, traffic offenses, human trafficking or the sale and sale of human organs, cultural heritage.

***Expediency by the Judicial Officer.***

In criminal law, expediency is introduced in the form of a judicial change in the direction of prosecution and punishment or non-punishment, or a reduction in punishment and amnesty in the event of a crime repentant. Of course, having such powers requires the granting of the power of assessment to a judicial authority (Imami & Sadeghi, 1998).

At the trial stage, the judge should apply legal standards and see the criminal and criminal acts in the mirror of the foundations, goals and philosophy of punishment and personal and social interests. The development of the powers of the prosecutors and other agencies of the criminal justice agency, in

turning the pursuit and selection of criminal responses, has led to the adoption of a specific policy from which it is intended to be expedient (Sadeghi, 2005). Therefore, accepting principles such as the principle of the suitability of prosecution in the context of the interests of the community and the interests of the accused in the context of criminal proceedings is accepted. Although expediency will make widespread prosecution, this discretion will be limited to constraints that will establish criteria for assessing the necessity and usefulness of criminal responses.

The expediency of the community requires that there be such discretion and freedom to act as prosecutor in the crimes of wisdom and within the framework of the terms and conditions of law. In order to face up to the criminal cases, it would be preferable to choose the best practices and prevent the imposition of more judicial fees on the community. Therefore, based on this rule, the prosecutor is the executor and responsible for the discretion. Because pragmatism provides the possibility of assessing the usefulness of minor responses from prosecutors.

Laws that confer such powers on judicial authorities are abundant in a variety of laws. These include Articles 37, 38, 40, 46 and 64 of the Islamic Penal and Articles 80, 81 and 82 of the Criminal Procedure and Corrigendum. In the field of specific laws, Article 22 of the Law on the Post Office, Article 5 of the Penal Code of the perpetrators of the offender in the transit of goods and Article 10 of the Law prohibiting the sale and purchase of coupons of basic goods are mentioned.

One of the key characteristics of pursuing is the granting of authority to the police. Under the current Iranian regulations, after having filed a complaint or a criminal offense, the judicial authorities have no option to terminate or archive it, and the property is required to send reports and complaints to the prosecutor or the court (base on the case). In contrast, the British police traditionally have widespread authority over the chase, so that the agency was in charge of prosecuting and sending the case to the court before the formation of the Chasing the Kingdom in 1985. Despite the formation of the Kingdom's pursuit of service in 1985, the police still have relatively wide discretion over the

termination of investigations. At the end of the investigation, police are confronted with the following situations:

- 1) The issue is not so important that it applies to crimes of wisdom and, as a rule, the subject of crime is also unknown.
- 2) Initiating a chase, in which case the police will refer the case to the kingdom pursuit service.
- 3) The official summons of the accused and the issuance of a warning as caution. This warning does not mean conviction, but is registered in the police archive and if the person is convicted in another case, the court considers it as a previous conviction (Spencer, 2007).

Of course, at present, under the jurisdiction of the Crown Court, according to Section 7-5 of the Procurator's Law, only the prosecutor can issue a warning to the police (Haji Deh Abadi, et. al. 2017). The expatriate judge can easily play with words and legal concepts and derive their meanings from them. He is not required to pay attention only to the rules of law, but can use any reason for his judicial decision. Unlike traditional judges, it can cite various types of data, such as sociological and economic data (Jamshidi & Nourian, 2013). Accordingly, the judge must be prospective and consequential for the decision and be able to identify the possible effects of his decision on the claim and on the whole society.

### ***Practical Expediency.***

One of the weaknesses of existing criminal codes is their universality and generality; in such a way that the rules do not take into account the specifics of the offender and the specific circumstances of each operation and for many acts that are very different, there is no title and punishment. In other words, the forms of social reaction to the crime are not predicted in detail, based on the individual characteristics of the perpetrators; while it's not a mistake to say that the number of people with criminal justice rights is not the same for all defendants. For example, having a criminal record cannot, absolutely and completely, indicate the criminal character of each person. Perhaps numerous

criminal records may be related to unwanted events; this has led the judicial authorities to adhere to a series of unwritten principles; so that they may react differently to the two defendants who have committed similar crimes in similar situations and therefore to recognize that prosecution of one of them does not entail any benefit or expediency; Although legally required to be dealt with; or, in the mind of the judge, the type of criminal offense will be changed from the extreme to the circumstances. For example, if, due to a family litigation, a person wound his or her brother by a knife and the subject leads to satisfaction, at the time of the charge, the court concludes that instead of committing a deliberate assault with an unforeseen knife, the criminal title has to be changed to a simple blunder that can be passed.

Even in many cases, the judicial authority has seen oral retaliation and by convincing the parties, practically dissuaded from prosecuting the accused and closing the case in a way. However, there may be reasons for the crime to be found in the case.

Sometimes, at the stage of prosecution and before the referral to the court, there is also a kind of interest in the behavior of the police apparatus; so that it has been seen that in cases of minor and mild crimes (even apparent) like family conflicts, it has been dedicated to reminding and inviting the peace of the two sides without being prosecuted.

## **CONCLUSIONS.**

If a legal system, in the pursuit of the accused, considers that the pursuit system is appropriate; it is imperative to consider the factor or factors for applying this rule. One of these factors is to observe the interests and interests. By examining the subject and the research carried out, it was found that the pursuit officer does not apply the rule solely in terms of expediency or benefit. Rather, it may be useful in some cases to convince itself and justify judicial action and then stop prosecuting the accused and use alternative measures as a substitute for pursuit. By reviewing the laws and regulations of the legal system of Iran and the United Kingdom, and regardless of whether the country is

essentially written under the German or Roman system, in this case, the status of the pursuit has been leveraged by shifting the path from the legal system written to the common law system, which is dominated by the United Kingdom. Therefore, this topic is in common with both Iran and the United Kingdom in terms of foundation and structure.

Though British law has been advancing in this field and has paid more attention to how prosecution and prosecution are prosecuted and the mechanisms and the basis for the application of the principle of prosecution in this legal system, it is imperative that Iran's criminal justice system, even if it applies the rule in criminal prosecution, organize the scope of incriminating crimes covered by this rule as well as regulating criminal prosecution cases.

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