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The Culture of Non-Governmental Organizations in Increasing the Efficiency of Community-Based Policing

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Abstract
Although NGOs have had a physical presence in the country for years, they have unfortunately not been considered very serious by the government and government institutions and have not played an influential role in the criminal process. One of the innovations of the Criminal Procedure Code of 1392 is the realization of the teachings of participatory criminal policy through the participation of NGOs in the criminal investigation process, which the legislator has addressed in Article 66 of the aforementioned law. The approval of this article, which was suddenly amended in an interesting decision a few days before the law came into force, has reduced the right to appeal to the community members to the level of a crime reporter and a spectator of the trial process. Regardless of the fact that the necessary legal, cultural, and social contexts for the participation of community members in the criminal process do not exist in the country, their role in the criminal process is that of a crime reporter and participant in the hearings. In practice, we are faced with ambiguities such as the criteria for determining the competence of NGOs intervening in the criminal process (Note 3 of Article 66), and it is also unclear how to develop the participation of NGOs in the criminal process and the mechanisms for monitoring their activities. This study intends to examine the context and obstacles to the activities of NGOs in the criminal process, and to address the vital role of NGOs in crime prevention and their intervention in the criminal process.

Keywords: Participatory criminal policy, NGOs, crime whistleblower, public litigation, criminal proceedings

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Introduction

The increasing growth of the criminal phenomenon in the contemporary era, along with the emergence of new and diverse forms of crime and delinquency, has led to the failure of the formal criminal justice system to use criminal enforcement guarantees in the field of crime prevention, combating delinquency, and reforming criminals, and has encouraged domestic criminal policymakers to increase and strengthen criminal policy programs based on greater and more active participation of civil society in the criminal process.

In general, two patterns of participation and, consequently, two traditional and civil organizations can be distinguished from each other. The first pattern of participation is the traditional pattern that exists among the members of society in an institutional and spontaneous manner based on tradition, custom, habit, and religion. This participation has been the product of many years of experience and has been passed down from generation to generation, and has been a response to the needs of historical developments. In this model, the government has no role in guiding and organizing, and the people are responsible for doing things. The second model of participation is the participation of non-governmental organizations. Non-governmental organizations and non-governmental organizations are spontaneous and emergent human societies, groups, and institutions that operate through non-profit and voluntary activities to resolve social problems and provide public services, and have formulated their greatest advantage as independence from the government.

The Criminal Procedure Code Bill approved in 2013, in line with the new ideas of participatory criminal policy, had accepted the intervention of non-governmental organizations in order to support vulnerable victims, citizen rights, and also in protecting public rights and interests such as the environment, natural resources, cultural heritage, and public health through reporting crimes and participating in the proceedings, with conditions, and had transformed their position from a mere declarant to an active follower. However, after the amendment dated 24/03/2015, the right of civil society organizations to present evidence and object to judicial decisions, which was mentioned in the draft law, was removed from the text of the article so that a new achievement of the storied law of criminal procedure would be forgotten. The development of the participation of non-governmental organizations in the criminal process requires the provision of areas for activity, monitoring, and evaluation of activities in order to eliminate obstacles and disadvantages resulting from their intervention in the criminal process.

A) Non-governmental organizations; definition, background, and goals

Non-governmental organizations and civil society organizations (civil society organizations) are spontaneous and humane societies, groups, and institutions that operate through non-profit and voluntary activities to resolve social problems and provide public services, and have established their greatest advantage as independence from the government. Non-governmental organizations, including civil society organizations, are newly established and fledgling organizations that have been established and are active with the voluntary participation of motivated citizens to work together in a coherent structure and organization with the aim of serving the development and welfare of society and empowering individuals in society without any dependence on the government.

Societies work to achieve various goals and are usually moving towards advancing the political or social goals of their members. For example, improving the environment, encouraging groups and people to respect human rights, raising the level of welfare of deprived and vulnerable groups, or proposing a joint and collective program can be mentioned. The number of such organizations is very large and their goals cover a wide range of political and philosophical positions. Popular organizations in Iran have a long historical record. In fact, since the social life of humans was formed in villages and then in cities, the need for help and participation arose, and the help of the able to the unable has been formed and institutionalized in individual and group forms.

The first environmental NGO in Iran was the Ashkzar Villagers Group of Yazd, which began its activities in the early 1970s with the aim of stabilizing quicksand and combating desertification. This trend, with a significant growth of 22 organizations by 1996, 156 organizations by 1999, and 550 NGOs active in the field of environment by 2003, demonstrates the people's commitment to participating in activities in this field (Golmohammadi, Yousefi, 2009: 11).

In international documents and treaties, especially in the Sixth, Seventh and Ninth Congresses of the United Nations on the prevention of crime and the reform of criminals, the participation of citizens and civil institutions in the prevention of crime and the implementation of punishments has been emphasized. In the criminal policy of developed countries, with the benefit of comparative studies from the sixties onwards, we are witnessing the development of reforms based on community participation in various areas of criminal justice, including community-based prevention, reform and rehabilitation of criminals in the community, and compliance with the rule of proportionality of prosecution in the direction of community-based and justice-based development. In contemporary Iran, the participatory approach can also be sought in the beginning and before the revolution in guild houses and arbitration councils, and after the Islamic Revolution in the programs of the Anti-Drug Headquarters for the prevention of addiction. Despite all this discussion, the development of a national program for the prevention of community-based crime, public participation in criminal proceedings, the establishment of conflict resolution councils, criminal mediation in the preliminary investigation stage, and the activities of non-governmental organizations in supporting vulnerable groups such as street children and women victims of domestic violence, associations for the support of prisoners and their families, and blood money committees and institutions providing free legal and advisory services to indigent individuals and prisoners were mentioned (Jamshidi, 2011: 28). Although the associations have been operating in the country for years, unfortunately they have not been considered very serious by the government and government institutions and have not played an influential role in this sector. These organizations are also referred to by other alternative titles such as association, community, group, house, etc., and it can be said that their new form was implemented simultaneously with the approval of the regulations for the establishment and activities of non-governmental organizations in 2005 and based on Article 138 of the Constitution. These organizations are formed with an emphasis on the three principles of being voluntary, non-profit and non-political, and their budget is also provided by public donations, membership fees in the organization or financial donations from international non-governmental and sometimes governmental organizations. Perhaps one of the reasons for the weak presence of these organizations is the lack of support from other governmental organizations and the lack of participation in serious societal issues over the past years.

The activities of the associations can be divided into two parts: activities that are carried out after the violation of a "right" and in fact in reaction to it. These activities are "reactive". The second part is activities that are carried out with a pre-existing plan and rely on activity, but its basis does not start from the "violation" but from the existential necessity of a "right". This type of activity is called "hyperactivity". These activities are preventive and create mechanisms that help to better and comprehensively realize the rights of individuals (Noori Neshat, 2006: 68). It is obvious that non-governmental organizations subject to Article 66 of the Criminal Procedure Code can participate in the investigation process in response to crimes committed in the aforementioned areas.

B) Participatory Criminal Policy

Historically, the term criminal policy was first used by the German scientist Feuerbach in his book Criminal Law, which was published in 1803. Criminal policy is a field of study that, based on philosophical and scientific data and findings, including criminological findings, and considering historical circumstances, attempts to formulate and create repressive (criminal) and preventive teachings that can be applied in practice to crime and criminals. This definition, which comes from von List (one of the German founders of the International Criminal Law Union in 1889), was taken into consideration by Marc Ansel (a French judge) in 1954, with subtle differences. He believes that criminal policy is both a science and an art, and its purpose is to provide the best way to formulate the rules and regulations in light of the findings of criminological sciences (Najafi Abrandabadi and Hashem Beigi, 2011: 98). The term criminal policy, which is generally attributed to the book of the German professor Feuerbach in 1803, has long been synonymous with "the theoretical and practical aspects of the penal system." In this understanding, according to Feuerbach, criminal policy includes "a set of repressive methods that the state reacts to crime by anticipating and applying them." However, today we witness that criminal policy has separated from criminal law, criminology, and criminal sociology and has taken on an independent concept; When Mr. Mark Ansell founded the journal “Criminal Policy Archives” in 1975, he first emphasized the need not to limit and summarize criminal policy to criminal law and, in an attempt to highlight its dual nature, namely “the science of observation and study” and “the art or “methodical strategy of responding to crime”, he proposed that criminal policy be defined as “the organized and studied reaction of society against criminal, deviant or antisocial actions and activities” (Mirre Delmas Marti: 69: 2014). This term has become widespread mainly in countries with written law and has not found a place in English-speaking countries. Mark Ancel says in this regard: "Most American criminologists and sociologists - at least in the United States - have avoided the issue by sparing even the use of the term 'crime policy' and by relegating the study of this field and its related studies to the realm of criminological studies of criminal justice" (Ancel, 1975: 21).

The term criminal policy, which has been around for a little over two centuries since its turbulent emergence, is now recognized as an independent field of study in criminal sciences. The concept of criminal policy has undergone a significant transformation in its emergence, transforming from a narrow concept to a completely broad concept (Hosseini, 2004: 23). According to scientists and experts in criminal policy, from a scientific perspective, or in other words, at the stage of receiving and accepting a criminal policy, which is actually the crystallization of criminal policy in the practical stage and in each specific country, three types of criminal policy can be observed: legislative criminal policy, judicial criminal policy, and participatory criminal policy (Laserge, 2003: 93). In Iran, Dr. Matin Daftari first used this term as the equivalent of "Penal policy" (Jamshidi, "quoted from Abrandabadi", 2011: 19).

Participatory criminal policy is considered the newest and most important trend in criminal policy that emerged in the contemporary period in the West due to political, social, economic and criminological causes and factors, especially the crisis of inefficiency and inability of the criminal justice system to use only traditional tools of the criminal law arsenal to deal with criminal phenomena, and therefore its life span has not exceeded more than a few decades (Rostami, 2007: 140).

In general, the purpose of participatory criminal policy is to examine and study the position that is given to civil society in a country's criminal policy by granting a role to the offender, the victim and especially the entire society or people. The responses that civil society provides through these three pillars are called social or community responses (Delmas-Marti, 2002: 83 and Lazerge, 2003: 61).

In order to "create a consensus around a criminal policy", in addition to the participation of government bodies, the participation of the media, associations and citizens or civil society in general is an inevitable necessity. This necessity is not because the role of the government is reduced, but because civil society is considered as the main actors of criminal policy and should naturally have an active participation (Laserge, 2003:139). Involving civil society, especially the people, in this process, regardless of showing the efficiency of the people in this field, itself means that prevention and even providing security to this group of society is also provided. In other words, to realize a unified criminal policy at the macro level, not only does it require the participation of a wide range of actors in this field. It also requires a kind of coordination and coherence among all the above-mentioned bodies. Therefore, participatory criminal policy means "a criminal policy with the participation of civil society, within the framework of which other levers and institutions, along with the police and the judiciary, organize the response to the criminal phenomenon. This cooperation and participation guarantee the validation of the legislative and executive plans in the field of criminal policy, or the participation of the people in confronting the criminal phenomenon" (Najafi Abrandabadi, 2002: 265).

Thus, it can be said that criminal policy, which is inherently governmental, is moving towards participatory criminal policy, which is a manifestation of the presence and intervention of the people in the various stages of discovery, prosecution, enforcement of the verdict, and prevention of delinquency. In other words, governments cannot ignore the effective role of the people and non-governmental organizations in various forms of crime control.

C) Comparative study of the participation of non-governmental organizations in the criminal process

Considering the different stages of criminal policy, people can participate in all its stages; But this participation and its quality vary from country to country and will vary from country to country depending on the dominant model of criminal policy.

In addition to the domestic level, today, on an international scale, the International Criminal Court is a clear example of the participation of non-governmental organizations in the criminal justice process. The information that these organizations provide to the court can be effective in preparing and preparing criminal cases, so that by examining the history of the International Criminal Court, we can find out that there is a close relationship between the establishment of this court and non-governmental organizations. Non-governmental organizations can help the prosecutor in obtaining additional information. According to the second paragraph of Article 15 of the Statute, in cases where the prosecutor directly initiates investigations based on the information obtained, he assesses the importance of the information received. At this stage, he can request, among other things, the assistance and help of non-governmental organizations. (Bigzadeh, 2013, 602) Of course, the growth of non-governmental organizations is not the same everywhere. For example, in Egypt, more than sixteen thousand NGOs have been registered, while in Saudi Arabia, the establishment of NGOs has been prohibited (3). (Elbayar, 2005:

The first aspect of public participation in the criminal process is related to the issue of crime detection and the necessity of prosecution and investigation, which even after the closure of the criminal network, due to the emergence of the state and its monopoly, the social group has participated and is participating in all criminal justice systems through disclosure and declaration of crimes. Beyond that, in some countries such as England, as in French law before the 1789 revolution, the authority to initiate prosecution and filing charges has been delegated to ordinary individuals, whereby anyone (even if not a victim of a crime) can initiate a public lawsuit. In this case, they must follow it to the end through their advisor or lawyer, like a private investigation and trial. Although in practice, most prosecutions begin with the initiative and action of the police, and the public does not play much of a role in this regard. (Rostami, quoted by Delmas, 2007: 142)

Even when the criminal network is closed to society with the emergence of the state and becomes a monopoly of the state, the social group, that is, society, first through its members , in exposing and declaring crimes, calling witnesses, and especially by participating in hearings (as a member of the jury in criminal courts and recently as a lay judge alongside judges in juvenile courts), with the caveat that the presence of lay judges in hearings is more developed in countries under the common law system than in the French legal system (Delmas, 2014: 174). From the perspective of comparative studies in France, due to the reforms that were made in 2000 and also based on Article 41 of the Code of Criminal Procedure, in the event of one of the crimes that can be accompanied and assisted by these organizations, the prosecutor can inform these organizations of the occurrence of these crimes so that the victims can benefit from their assistance and support (Beziz- Ayache, 2003:16).

Today, more active forms have been added to this method of involving the social group - whether individually or collectively in the criminal investigation network or system - which demonstrate the true participation of the social group (non-governmental organizations) in the criminal investigation process. Because, from now on, organized social groups enter this process with continuous participation in the form of popular associations, in such a way that they are no longer considered as an element of the criminal system. Thus, through the redistribution of roles between the state and civil society, a participatory criminal policy is outlined, the purpose and subject of which is "to advance the method of educating responsibility and to facilitate the people's It is a local authority. (Delmas, 174: 1393)

In the context of public participation in crime detection, the right to arrest foreseen in Article 73 of the French Code of Criminal Procedure is important, according to which, in the event of an obvious crime, any person, in addition to the victim, can arrest the perpetrator and direct him to the nearest police station and hand him over to the judicial officers (Stephanie et al., 1377: 277). Also, the mandatory reporting law, cases of abuse in the United States include: doctors and health care institutions, educational professions, legal professions and law enforcement officers and assistance services and the general public. (Ganad, 52: 77) In this regard, the authorities of "social prosecution" countries, including the United States, are pursuing prosecution, while communicating with local authorities to identify and detect crimes and crime-related issues. (The Annie E. Casey Foundation 2003, 25

In recent decades, participatory criminal policy strategies have been on the agenda of the United Nations and The main legal institutions of the European Union are: Prevention of crime, strengthening cooperation in the fight against crime and specific fight against some forms of crime by using the participation of intervening institutions at the international level are among these measures. Therefore, due to the limited resources and facilities of the formal criminal justice system institutions and the need for the intervention of non-governmental and non-governmental organizations to support the issues foreseen for them, which are often outside the scope of the criminal justice system; today, alongside the formal criminal justice institutions of other countries, non-governmental organizations have accepted a prominent role in prevention and intervention in the criminal process up to the execution of sentences.

D) The position of non-governmental organizations in domestic laws and regulations

Article 26 of the Constitution stipulates: “Parties, communities, political and trade associations and Islamic associations or recognized religious minorities are free, provided that they do not violate the principles of independence, freedom, national unity, Islamic standards and the foundation of the Islamic Republic ...”. Article 27 also provides for the freedom to form assemblies and marches without carrying weapons, provided that It has emphasized that it does not violate the foundations of Islam. In relation to the interpretation of the aforementioned principles, two perspectives should be considered.

According to the stipulation and operative part of the Constitution, societies and associations (including the principle of non-governmental organizations) are free to carry out their activities subject to certain restrictions. Monitoring compliance with the aforementioned principles and meeting the prescribed conditions is a type of post-monitoring that is applied by the government after the establishment and creation of non-governmental organizations, and the Constitution does not explicitly provide for prior monitoring. Therefore, there is no need to obtain a license for the establishment and activities of these types of organizations, and the government only monitors that non-governmental organizations do not violate the conditions set out in Articles 26 and 27. Although the Constitution does not explicitly provide for prior monitoring, the condition of observing the aforementioned principles requires the qualification of non-governmental organizations and associations, so it is necessary to obtain a license before establishing and operating. Regarding the legal personality of non-governmental organizations, it should be said that given that these organizations are considered non-governmental institutions and organizations, based on Articles 586-584 of the Commercial Code acquire legal personality from the date of registration in the special office. However, the Companies Registration Law lacks the necessary mechanism for monitoring their activities, and the revocation of the license by the Companies Registration Office is not possible, but the law defers the revocation of the license to a judicial decision. In 1999, the Supreme Administrative Council determined that the licensing authority and supervision of the activities of non-governmental organizations is the relevant body in the matter of the activities of that non-governmental organization, which was annulled by the Administrative Court of Justice. In 2002, another regulation was drafted, which designated the Ministry of Interior as the licensing authority in order to organize such organizations, and since the date of drafting this regulation, it has been amended several times. The process of applying for a license is as follows: the Commission for Reviewing Applications for Licensing and Activity Licenses, which is formed under the title of "Article 2 Commission" at the city, province and country levels, will issue an activity license. The secretariat of this commission is formed at the national, provincial and city levels in the Ministry of Interior, the governorate and the governorate, respectively. Issuing activity licenses for "non-governmental organizations" Beyond the province The Article 2 Commission shall be a national, national or international body. Each of the Article 2 Commissions shall form a monitoring committee to review and monitor the proper implementation of the regulations and the performance and preliminary investigations of the organizations operating within the scope of their mandate.

t) Ways of participation of non-governmental organizations in the criminal process

Article 66 approved on 12/04/1392 before the amendment on 03/24/1994 was as follows: "Non-governmental organizations whose statutes are related to the protection of children and adolescents, women, sick and mentally or physically disabled persons, the environment, natural resources, cultural heritage, public health and the protection of citizen's rights can declare crimes in relation to the crimes committed in the above fields and in all stages of proceedings to establish the reason for participation and in relation to the votes After the amendment dated 03/24/1394, this article was amended as follows: "Non-governmental organizations whose charters are about the protection of children and adolescents, women, sick and mentally or physically disabled persons, the environment, natural resources, cultural heritage, public health and the protection of citizen's rights can declare crimes against the crimes committed in the above fields and participate in all the proceedings".

1- The right to declare a crime

After the amendment, the right to present evidence and protest against the decisions of the judicial authorities was removed from the text of the article, and now the semans can only declare crimes to the justice system in the context of the crimes committed related to the subject of their activity. Therefore, the Semans do not even have the right to complain to the justice system regarding the crimes committed related to their activities.

Although many people may suffer losses from the occurrence of a crime, only the direct victim, i.e. the person who was harmed by the crime and the legislator intended to protect him by criminalizing a permissible behavior, or is considered the representative of such a person, can request prosecution of the accused as a "plaintiff" in the criminal process, and the indirect victim does not have such authority. Such a person is considered to be the informant of the crime and has the conditions for it (Khalghi, 2013: 29). This aspect monitors private dignity in terms of violating the rights of a certain person or persons.

On the other hand, according to the definition of Article 8 of the new Criminal Procedure Law, the crime can have a public status in terms of transgressing the limits and divine regulations or violating the rights of society and disrupting public order. It is obvious that some crimes, such as crimes against the environment, cultural heritage, natural resources, or public health, are considered public according to the criminal laws of the country, and since their beneficiary is society, any person, whether real or legal, can declare a crime.

Therefore, Article 66, by granting the right to declare a crime on the part of the Semans, has not actually granted them a new authority. In the assumption of non-approval of this law, according to the legal principles and articles, non-governmental legal entities could not only declare a crime, and the judicial procedure had also accepted this issue; Because in the science of law, we are talking about "person" and his rights and duties, and person includes both real and legal person.

2- The right to participate in all proceedings

The belief that justice should be served is one of the fundamental characteristics of legal systems. Article 165 of the Constitution stipulates: "Trials are held in public and the presence of people is unimpeded, unless, according to the judgment of the court, its openness is contrary to public modesty or public order, or in the case of private lawsuits, the litigants request that the trial not be held in public."

Semans can participate in hearings according to what is stipulated in Article 66. In this regard, Note 4 of Article 66 considers the implementation of this article as possible in accordance with Article 165 of the Constitution and stipulates that in the crimes against the chastity of the subjects of this article, in accordance with Article 102 of the Criminal Procedure Law and its notes, they can only declare the crime and present their reasons to the judicial authorities and do not have the right to participate in the hearings. But the interesting point is that contrary to the article, the granting of the right to present evidence regarding crimes against the semans is provided by taking away one right and granting another right. Therefore, it can be said that Article 66 of the Criminal Procedure Law, by specifying the right of the Semans to participate in the hearings, has not actually given them a new privilege or right.

(e) The conditions of the defendants to declare the crime and participate in the proceedings

In Article 66 of the Criminal Procedure Law, conditions have been established for the participation of semans in the criminal process, including: 13- The field of activity of non-governmental organizations

In the statutes for the establishment of non-governmental organizations with the structure of the board of trustees or with the structure of the general assembly of members, conditions and regulations have been determined and approved, and Article 2 of that statute is about the type of activity of non-governmental organizations. Therefore, in addition to the fact that the activities of non-governmental organizations intervening in the criminal process must be included in Article 66 of the Criminal Procedure Law, their activities must be non-political and non-profit, non-governmental.

The areas of activity of non-governmental organizations are limited as described in Article 66 and include those whose statutes are related to the protection of children and adolescents, women, sick and mentally or physically disabled persons, the environment, natural resources, cultural heritage, public health, and protection of citizens' rights, and do not include other non-governmental organizations (for example, active in the field of supporting prisoners, victims of work accidents, poor victims, etc.). This causes dissatisfaction and protest of those non-governmental organizations whose field of activity is not related to the matters specified in the relevant legal article.

14- Having the conditions stipulated in Note 3 of Article 66

Note 3 of Article 66 of the Criminal Procedure Law states: "The names of non-governmental organizations that can act in the implementation of this article are prepared in the first quarter of every year by the Minister of Justice in cooperation with the Minister of the Interior and are approved by the head of the judiciary."

In line with this limitation, the legislator deprived the judicial authorities of the right to identify the organizations active in the mentioned field and limited their names to a list prepared by the executive and judicial authorities. (Khalghi, 2013: 72)

A group of critics believe that, regardless of the rule mentioned in Note 3 of Article 66, if it is a public institution, the approval of its constitution under the government's supervision will destroy the independence of that non-governmental institution. Another group is of the opinion that if an organization whose statutes are drawn up regarding one of the items listed in Article 66 and accepted by the commission under Article 10 of the Law of Parties, or registered as a non-commercial, non-profit or charitable organization in the Companies Registry, but its name is not listed in Note 3, it cannot be prohibited from declaring a crime and entering the proceedings as stipulated in Article 66; Because after the legal recognition of the legal entity, it cannot be stopped from doing what it was created due to the existence of a formal law.

It is possible that a non-governmental organization that basically does not need to obtain a license according to the twenty-sixth article of the constitution, even if it has obtained the establishment license from the Ministry of Interior and has a legal and legal existence according to the party law, or the executive regulations of non-governmental organizations, may not be included in this list prepared by the Ministry of Interior; Or even if he is included in the proposed list of the Ministry of Interior, but his name and existence may not be approved by the judiciary and thus he will be deprived of the same right to declare a crime.

However, it seems that the meaning of Note 3 of Article 66 is not a random choice among non-governmental organizations, but according to this note, organizations are allowed to operate in this article if they are approved by the Ministry of Interior and Justice. This confirmation means having a legal license to operate and not having a history of violations or cases in judicial courts and confirming the competence of the mentioned organizations. According to the executive regulations for the establishment and operation of non-governmental organizations approved on November 5, 1384, the board of ministers is the criterion of action and the only legal document for the activity of non-governmental organizations is the license of the Ministry of Interior. According to Article 2 of this regulation, the organization will have a legal personality after obtaining an activity license and registering according to the rules of this regulation and other current regulations. However, the mere registration of the organization cannot be a license to enter the judicial courts to declare a crime or file a complaint against a person or institution, but the organization itself must not have a criminal or judicial record. This confirmation actually means having a legal license to operate and not having a history of violations or cases in judicial courts and confirming the competence of the mentioned organizations.

15- Obtaining the consent of the victim is a condition for the intervention of Semans

Since in forgivable crimes, the will of the plaintiff is necessary to file a criminal lawsuit, and on the other hand, some people are always under the special protection of the legislator in every society due to their disabilities, the note one of Article 66 stipulates: "If the committed crime has a specific victim, it is necessary to obtain his consent to act in accordance with this article." If the victim is a child, insane or involved in financial crimes, the consent of his guardian, guardian or legal guardian is obtained. If the guardian, guardian or legal guardian has committed a crime, the aforementioned organizations will take the necessary measures with the consent of the guardian or the approval of the prosecutor.

c) Obstacles to the intervention of non-governmental organizations in the criminal process

Non-governmental organizations subject to Article 66 of the Criminal Procedure Law face important obstacles in the field of participation in the criminal process, such as:

1- There are no necessary legal, cultural and social platforms in the country for the participation of non-governmental organizations in the criminal process.

Non-governmental organizations can play their role and find their place in the society when both legal grounds are provided by the government and cultural and social platforms for growth are found. The necessary grounds for the implementation of the laws related to cements have remained only in theory and will play a role almost until the approval of the new criminal procedure law. The criminal process was not foreseen for them. In our country, there is little interaction between the formation of non-governmental institutions and organizations and the process of system activity. Creating a cultural and social foundation is one of the requirements for the development of these civil institutions.

2- A comprehensive and complete law governing the activities of organizations and their supervision has not been approved.

Given the nascent nature of the process of participation of these organizations in the criminal process and the prominent role they play in the criminal process, it is essential that there is continuous and efficient supervision of the activities of non-governmental organizations so that if these organizations violate public and professional rules in the course of pursuing public claims, they can be dealt with appropriately and appropriately. What conditions and principles are followed in revoking or renewing the licenses of these organizations? The penalties of the "Article 2 Commission" in the event of violations and violations of regulations by NGOs are as follows:

A- Verbal warning with a one-month deadline to correct the situation and prepare minutes

B- Written warning with entry in the file and a one-month deadline to correct

C- Suspension of the activity license

D- Revocation of the activity license

3- The criteria and criteria for evaluating NGOs for intervention in the criminal process are not clear.

While the text of the article grants the right in question absolutely and unconditionally to all organizations whose statutes provide for the support of disabled or disadvantaged groups or public and citizenship rights, the recent note, given the lack of any criteria for selecting organizations that meet the conditions, has opened the door to possible bias and discrimination in their selection. The examination of each of these organizations to determine their competence or information about their internal issues or violations by the Ministers of Justice and the country for introduction to the esteemed Head of the Judiciary is very time-consuming and requires more than the first quarter of the year.

4- A union or forum for coordination and internal supervision of the activities of non-governmental organizations is not foreseen.

The idea that all associations active in a field can separately enter into an issue and want to play a role in the process of a trial is unthinkable. Therefore, the vacancy of associations or unions in this field is completely tangible. Choosing among associations based on taste is also considered a form of discrimination. That is, one "association" cannot be considered a representative of other related associations; therefore, it is better for associations to form a union and forum to exercise their rights, both to prevent possible discrimination and to have a solid support for supporting themselves and their previously foreseen goals by increasing the intellectual and financial capabilities of non-governmental organizations.

5- The scope of activities of NGOs in Article 66 of the Criminal Procedure Code is exclusive.

The scope of activities of NGOs as mentioned in Article 66 is exclusive and does not include other NGOs (for example, those active in the field of supporting prisoners, victims of work accidents, destitute victims, etc.). This causes dissatisfaction and objections from those NGOs whose field of activity is not related to the matters specified in the legal article.

6- The intervention of NGOs in the investigation process is limited to declaring a crime and participating in the investigation sessions.

Before the final amendment of the Criminal Procedure Code, NGOs had the right to declare a crime, the right to introduce a representative to appear in the prosecutor's office and court and receive a summons, the right to express an opinion and present evidence in the judicial authority, and to object to the issued verdict. It seems that limiting the intervention of NGOs to reporting crimes and participating in the proceedings without providing for the right to present evidence and object to the decisions of the courts would minimize the incentive for their intervention; because the purpose of the aforementioned article is protection, and protection cannot be achieved by simply reporting crimes and participating in the hearings; as the principle is that the hearings are public, and in many cases there is no prohibition on individuals participating in the hearings.

Conclusion

Developing the participation of NGOs in the criminal process requires providing the grounds for their activity, monitoring, and evaluating activities in order to eliminate obstacles and disadvantages resulting from their intervention in the criminal process. Therefore, although the measures foreseen in the new Criminal Procedure Code are an important step in attracting public participation in the criminal process, and especially in the prosecution of public lawsuits, there is a long way to go before a comprehensive system for the participation of these organizations is developed and established. Perhaps it will take time to eliminate the problems and obstacles of implementation. In this regard, the most important action to take is to amend the laws governing the activities of NGOs and remove the ambiguities and obstacles that exist in the path of NGO intervention in the criminal process. Implementing this law in practice can bring about its shortcomings along with the proposed solutions. However, it seems that limiting the intervention of NGOs to reporting crimes and participating in the proceedings without providing for the right to present evidence and object to the decisions of the courts would minimize the incentive for their intervention; because the purpose of the aforementioned article is protection, and protection cannot be achieved by simply reporting crimes and participating in the hearings; as well as the principle that hearings should be public, and in this regard, in many cases there is no prohibition on individuals participating in the hearings.

48- Based on the above, it seems that the anticipation of the participation of the police in the criminal process as an active follower and not a crime reporter is a positive and new step for the detection of crime and the possibility of investigating crimes committed, on the one hand, against individuals who need the help of others in some way, and on the other hand, crimes that violate public rights in some way, and thus, will more seriously support the activities of non-governmental organizations that have been striving to achieve their goals for several years.

References

1- Bigzadeh, A., 2013. Criminal Sciences (New Articles Collection of Criminal Sciences), Book Two, Tehran: Mizan Legal Foundation Publications.

2- Jamshidi, A., 2011. Participatory Criminal Policy, First Edition, Tehran: Mizan Publications.

3- Hosseini, S., 2004. Criminal Policy in Islam and the Islamic Republic of Iran, First Edition, Tehran: Tehran University Press.

4- Khatoon Khanjani, N. and others, 2011. An Introduction to the Principles, Laws and Regulations of Non-Governmental Organizations, First Edition, Tehran: Deputy of Non-Governmental Organizations Affairs, Center for Social and Cultural Affairs, Ministry of Interior.

5- Khaleghi, A., 2014. Points in the Criminal Procedure Code, First Edition, Tehran: Shahr Danesh Press.

6- Rahmdel, M., 2007. Iran's Criminal Policy Against Drug Crimes, First Edition, Tehran: Samt Publications.

7- Rostami, V., 2007. "People's Participation in the Criminal Process (A Study of the Criminal Policy of Western Countries)", Law Quarterly, Journal of the Faculty of Law and Political Sciences, No. 2.

8- Sadeghi, 2009. "Regional Joint Criminal Policy as an Effective Factor in Preventing Crimes and Drugs", Justice Monthly, No. 86.

9- Azimi, M., 2015, "The Gem of Purpose or the Wave of Bloodshed? (Analysis of Article 66 of the Criminal Procedure Code)", Law School Monthly, No. 95.

10- Ghanad, F., 2008. "Criminal Protection of Minors Against Sexual Crimes in the Legal System of England and Wales, Master's Thesis in Criminal Law and Criminology, Faculty of Law, Beheshti University of Tehran.

11- Golmohammadi, S. and Yousefi, A., 2009. "The Role and Participation of Organizations NGOs in the Development of Environmental Law", Mountain Environment Quarterly, No. 14.

12- Lazerge, K., 2003. Introduction to Criminal Policy, translated by Ali Hossein Najafi Abrandabadi, first edition, Tehran: Mizan Publishing.

13- Marty, M., 2002. Major Systems of Criminal Policy, translated by Najafi Abrandabadi, Ali Hossein, vol. 1, Tehran: Mizan Publishing.

14- Mortazavi, S., 2009. Smuggling of Narcotics and Psychotropic Substances (Criminal Policy of Iran and France with Reference to International Documents), first edition, Majd Publishing.

15- Najafi Abrandabadi, A.H., 2008. "Criminalism, Feeling of Insecurity and Control", Justice Legal Journal, No. 72.

16- Najafi Abrandabadi, A.H. and Hashem Beigi, H., 2011. Encyclopedia of Criminology, second edition, Tehran: Ganj Danesh Library.

17- Najafi Abrandabadi, A. H, 2012. Topics in Criminal Sciences (Criminology Lecture Notes), Seventh Edition, with the assistance of Dr. Shahram Ebrahimi.

18- Najafi Abrand-Ayadi, AH, 1993. "Criminal Policy", Journal of Legal Research, No. 11 and 12.

19- Nouri Neshat, S, 2006, Right-Centered Development, Olive Leaf Publications: Tehran.