Contemporary Readings in Law and Social Justice
ISSN: 1948-9137, e-ISSN: 2162-2752
Vol 15 (02), 2023
pp. 1394 - 1407

Theoretical Foundations and Functions of the Public Prosecutor's Office in Iranian Criminal Law

Rouhollah Arkavazi[1], Mahmood Bavi[2*], Naghmeh Farhood[3]

[1.] PhD student, Department of Criminal Law and Criminology, Khuzestan Science and Research Branch, Islamic Azad University, Ahvaz, Iran./ PhD student, Department of Criminal Law and Criminology, Ahvaz Branch, Islamic Azad University, Ahvaz, Iran.

[2.] Assistant Professor, Department of Law, Ahvaz Branch, Islamic Azad University, Ahvaz, Iran (Corresponding Author).

Email: mbavi6309@gmail.com

[3.] Assistant Professor, Department of Law, North Tehran Branch, Islamic Azad University, Tehran, Iran.

Abstract

The public prosecutor's office is a fundamental pillar of the criminal justice system, situated at the intersection of public interest, victims' rights, the accused's defense guarantees, and criminal policy. Under Iranian law, the prosecutor is not merely an official who initiates public prosecution; rather, they play a role in crime detection, prosecuting the accused, supervising preliminary investigations, overseeing the conduct of judicial officers, deciding whether to continue or halt prosecution, protecting public interests, and enforcing criminal judgments. The central issue of this research is to elucidate the theoretical and legal foundations of the prosecutor's office and to analyze its functions in light of the principles of legality, the presumption of innocence, and the right to a fair trial. This study employs a descriptive-analytical method, examining relevant laws and authoritative Persian sources. The findings indicate that the legitimacy of the prosecutor's office depends on balancing legal authority with the constraints imposed by fundamental rights. Expanding the prosecutor's powers without transparency, accountability, and judicial oversight risks disrupting the balance between prosecution efficiency and the protection of individual rights. Enhancing specialized training, supervising judicial officers, providing reasoned grounds for prosecution decisions, employing scientific case management, and expanding support for both victims and the accused are among the key strategies for improving the performance of the prosecutor's office. (Khaleghi, 1401; Ashouri, 1389; Akhoundi, 1387; Code of Criminal Procedure, 1392)

Keywords: Prosecutor, Prosecutor's Office, Public Prosecutor's Department, Criminal Prosecution, Preliminary Investigations, Iranian Criminal Law, Victim, Accused, Fair Trial

Received: 05 Dec 2023 **Revised:** 29 Dec 2023 **Accepted:** 31 Dec 2023

1. Introduction

Criminal justice in the contemporary state is not merely a set of rules for punishing offenders; rather, it constitutes a network of institutions and safeguards that must simultaneously ensure public security and protect individuals' rights. Within this structure, the prosecution service occupies a prominent position, because the transformation of a criminal incident into a criminal case and its progression from the detection stage to judicial adjudication generally begins with decisions and actions taken by the prosecutor's office. The quality of the performance of this institution directly affects the speed, accuracy, legitimacy, and costs of the criminal process (Constitution of the Islamic Republic of Iran, Article 156; Khalighi, 2022; Ashouri, 2010).

The significance of the prosecution service is further enhanced by the fact that measures taken during the preliminary stage may affect individuals' liberty, dignity, and property. Decisions to initiate prosecution, summon or arrest an individual, request precautionary measures, and direct investigations must all be undertaken within the framework of the law. Accordingly, the prosecutor is required, on the one hand, to combat crime and protect society and, on the other hand, to respect the presumption of innocence, the right of defense, and the prohibition of arbitrary action (Constitution of the Islamic Republic of Iran, Article 156; Khalighi, 2022; Ashouri, 2010).

In the Iranian legal system, the position of the prosecutor must be analyzed in relation to the structure of the judiciary. Article 156 of the Constitution assigns functions such as restoring public rights, promoting justice and legitimate freedoms, supervising the proper implementation of laws, detecting crimes, and prosecuting offenders to the Judiciary. The Code of Criminal Procedure establishes the practical mechanisms for implementing a significant part of these functions through the prosecutor's office and prosecutorial and investigative authorities (Constitution of the Islamic Republic of Iran, Article 156; Khalighi, 2022; Ashouri, 2010).

Developments in contemporary criminal law have caused the prosecution service to move away from being an institution focused solely on punishment and toward becoming an institution for the fair management of criminal conflicts. Attention to victims, the use of leniency and restorative mechanisms, respect for defendants' rights, supervision over law-enforcement officers, and management of complex cases constitute important elements of this transformation (Constitution of the Islamic Republic of Iran, Article 156; Khalighi, 2022; Ashouri, 2010).

The purpose of this article is to examine the theoretical and legal foundations of the prosecution service and analyze its principal functions in Iranian criminal law. The central question is the following: What foundations underlie the prosecution service, and how should an appropriate balance be established between effective prosecution of crime, protection of public interests, and safeguarding the rights of the parties to criminal proceedings? (Constitution of the Islamic Republic of Iran, Article 156; Khalighi, 2022; Ashouri, 2010).

2. Research Methodology and Literature Review

This study is fundamental-applied in terms of its purpose and descriptive-analytical in terms of its methodology. The data were collected from legislation, academic books, and Persian-language scholarly articles. The principal focus of the analysis is the Code of Criminal Procedure enacted in 2013, as subsequently amended, supplemented by the Constitution, the Islamic Penal Code, the Law on the Supervision of Judges' Conduct, and doctrinal sources. In analyzing each function, particular attention has been paid to its relationship with the fundamental principles of criminal proceedings and the statutory limitations imposed on prosecutorial powers (Code of Criminal Procedure, 2013; Khalighi, 2022).

In Persian legal scholarship, the works of Ashouri, Akhundi, and Khalighi constitute important sources for understanding the structure of the prosecutor's office, criminal prosecution, and preliminary investigations. Studies concerning the principle of prosecutorial discretion have also demonstrated that Iranian criminal law, alongside the principle of mandatory enforcement of the law, has adopted certain flexible mechanisms, including suspension of prosecution, mediation, and statutory archiving of cases. These sources constitute the theoretical framework of the present article (Ashouri, 2010; Akhundi, 2008; Hajideh-Abadi et al., 2017; Sheidaian, 2023).

3. Concept of the Prosecutor and the Prosecutor's Office

The prosecutor is a judicial authority responsible for prosecuting crimes and safeguarding public rights within the limits prescribed by law, while the prosecutor's office is regarded as the judicial institution operating at the pre-trial stage. Institutionally, the prosecution service encompasses the organization and officials who operate within the prosecutor's office for the detection of crime, prosecution, and preliminary investigations. Distinguishing between the prosecutor as an individual office-holder and the prosecution service as an institution is important for analyzing responsibility and accountability (Khalighi, 2022; Ashouri, 2010; Code of Criminal Procedure, 2013).

The prosecutor's office differs functionally from the court. The prosecutor's office primarily undertakes prosecution and preliminary investigative functions, whereas the court constitutes an independent forum for adjudication and the issuance of judgments. This separation prevents the concentration of all criminal powers in a single authority

and represents one of the foundations of fair trial guarantees. Nevertheless, within the Iranian system, the relationship between the prosecutor and the investigating judge must also be analyzed in light of this separation and the statutory boundaries of their respective jurisdictions (Khalighi, 2022; Ashouri, 2010; Code of Criminal Procedure, 2013).

4. Theoretical Foundations of the Prosecution Service

The first foundation of the prosecution service is the rule of law. Prosecutorial power must derive from the law and must be exercised within the limits established by it. A prosecutor may not initiate proceedings against an individual or refrain from prosecution on the basis of personal preferences or considerations falling outside the law. The legality of criminal measures not only protects citizens but also enhances the predictability of judicial conduct and increases public confidence (Akhundi, 2008; Ardabili, 2021; Constitution of the Islamic Republic of Iran, Article 37).

The second foundation is the protection of the public interest. In many cases, a crime does not merely harm an individual; it may also disrupt the legal order and social trust. The prosecutor represents society in responding to such harm. However, the concept of public interest does not constitute an unlimited authorization for intervention and must be exercised within the framework of law, proportionality, and fundamental rights (Akhundi, 2008; Ardabili, 2021; Constitution of the Islamic Republic of Iran, Article 37).

The presumption of innocence constitutes another important limitation on prosecutorial power. An individual is presumed innocent until guilt has been established by a competent authority, and the prosecuting authority must establish the allegation through legally admissible evidence. Accordingly, the prosecutor should not structure an investigation solely for the purpose of proving the initial hypothesis of guilt; rather, evidence both favorable and unfavorable to the defendant must be considered fairly (Akhundi, 2008; Ardabili, 2021; Constitution of the Islamic Republic of Iran, Article 37).

The principles of mandatory prosecution and prosecutorial discretion are also significant in the theory of prosecution. Under the legality principle, the prosecuting authority is obliged to take action when the statutory conditions are satisfied; under the discretionary model, limited consideration may be given to the circumstances of the offense and its social consequences. In Iranian law, discretionary powers must be exercised within the limits expressly established by law and cannot be transformed into unrestricted discretion (Akhundi, 2008; Ardabili, 2021; Constitution of the Islamic Republic of Iran, Article 37).

5. The Legal Position of the Prosecutor in Iran

The Code of Criminal Procedure provides for the prosecutor's office in conjunction with criminal courts and assigns to it functions such as detecting crimes, prosecuting defendants, conducting investigations, and safeguarding public rights. These provisions

make the prosecutor's office one of the principal links in the criminal justice chain. The prosecutor stands at the head of the prosecutor's office, and the organization operates under the prosecutor's direction in order to perform its statutory functions (Code of Criminal Procedure, 2013, Article 22; Khalighi, 2022).

Alongside the prosecutor, investigating judges, assistant prosecutors, and judicial officers also play roles at the preliminary stage. The allocation of jurisdiction among these authorities is important for preventing the concentration of power. The prosecutor must supervise the overall course of prosecution, while the statutory independence of the investigating judge in areas where the law recognizes such independence must be preserved. Accordingly, the relationship among these authorities consists of a combination of coordination, supervision, and separation of jurisdiction (Code of Criminal Procedure, 2013, Article 22; Khalighi, 2022).

Within the Iranian judicial structure, specialized prosecutor's offices have also been established for certain areas. Specialization may improve the quality of proceedings in complex crimes; however, it should not result in a reduction of general standards of due process. Principles such as the presumption of innocence, the right of defense, the legality of measures, and the possibility of judicial review must be observed in all prosecutor's offices (Code of Criminal Procedure, 2013, Article 22; Khalighi, 2022).

6. Crime Detection and Initiation of Prosecution

Crime detection constitutes the starting point for many criminal cases. A complaint, a report by judicial officers, an official notification, and other statutory grounds may initiate the prosecutorial process. At this stage, the prosecutor must strike a balance between a prompt response and the prevention of unfounded investigations. Initial information must be legally recorded and evaluated so that the investigative process is based on reliable data (Code of Criminal Procedure, 2013, Article 64; Khalighi, 2022).

In flagrante delicto cases, prompt action is important because traces of the crime may disappear or the suspect may flee. Nevertheless, speed must not result in the elimination of statutory procedures. The prosecutor is responsible for supervising the legality of actions taken by judicial officers and preventing restrictive decisions based on incomplete or unverifiable reports (Code of Criminal Procedure, 2013, Article 64; Khalighi, 2022).

7. Criminal Prosecution and the Indictment

Criminal prosecution is the principal function of the prosecution service. Its purpose is to identify the perpetrator, collect evidence, and prepare the case for judicial adjudication. In offenses involving a public dimension, the prosecutor must protect the interests of society within the limits of the law. This role distinguishes the prosecutor from the victim's attorney, because the prosecutor must remain committed to the law and the

public interest rather than merely to the wishes of one party (Code of Criminal Procedure, 2013, Articles 265 and 279; Khalighi, 2022).

An indictment must be based on sufficient investigation and legal analysis. The issuance of an indictment is justified when the available evidence provides the necessary basis for attributing the offense to the accused and referring the case to the court. Conversely, where the conduct does not constitute a crime or sufficient evidence is lacking, an order of dismissal for lack of grounds for prosecution serves as an important mechanism for preventing unfounded prosecution. These two decisions demonstrate that the prosecutor's function is not merely to increase the number of cases referred to court (Code of Criminal Procedure, 2013, Articles 265 and 279; Khalighi, 2022).

8. Preliminary Investigations

Preliminary investigation is one of the most sensitive stages of criminal proceedings because a substantial portion of the evidence is collected during this stage. The prosecutor must supervise the proper conduct of investigations and, within the limits of the law, determine the general direction of the prosecution. The purpose of supervision is to ensure the promptness, accuracy, and legality of the investigation and should not become interference beyond the statutory jurisdiction with the independence of the investigating authority (Akhundi, 2008; Ashouri, 2010; Khalighi, 2022).

Prolonged investigations may be harmful to both the defendant and the victim. On the other hand, rushed investigations increase the risk of error. Time management, establishing an investigative plan, observing statutory deadlines, using expert examination, and focusing on relevant evidence are mechanisms for achieving a balance between speed and accuracy (Akhundi, 2008; Ashouri, 2010; Khalighi, 2022).

9. Supervision of Judicial Officers

Judicial officers are, in many cases, the first institution to encounter a criminal incident. Therefore, prosecutorial supervision over them is of particular importance. Such supervision includes training, issuing clear instructions, reviewing reports, and monitoring the legality of their actions. A report prepared by a judicial officer may constitute the basis for an investigation, but it should not automatically replace judicial evidence without legal and evidentiary assessment (Code of Criminal Procedure, 2013, Articles 28–39; Ashouri, 2010).

Effective supervision of judicial officers should be both preventive and subsequent. Training in citizens' rights, the limits of authority, procedures for preserving evidence, and arrest formalities, together with the investigation of potential violations, can help prevent violations of individuals' rights. A prosecution service that exercises professional supervision over judicial officers effectively activates one of the most important

mechanisms for controlling the exercise of criminal power (Code of Criminal Procedure, 2013, Articles 28–39; Ashouri, 2010).

10. Protection of Victims

A victim should not be regarded merely as a source of information for prosecuting the defendant. Contemporary criminal justice emphasizes the victim's right to access information, security, compensation for harm, and respectful treatment. Within the limits of the law, the prosecutor may prevent unnecessary delays and give particular attention to the circumstances of vulnerable victims (Code of Criminal Procedure, 2013; Khalighi, 2022).

Protection of the victim should not result in the elimination of the defendant's rights. Criminal justice is legitimate when victim protection and the guarantee of the right of defense are observed simultaneously. In offenses involving multiple victims or widespread social harm, the prosecutor must also protect public rights while limiting the scope of intervention to what is permitted by law (Code of Criminal Procedure, 2013; Khalighi, 2022).

11. Protection of the Defendant and the Right of Defense

The presumption of innocence, the right of access to counsel, the right to be informed of the accusation, and the right to remain silent are among the most important safeguards available to defendants at the preliminary stage. Respecting these rights does not prevent effective prosecution of crime; rather, it makes the outcome of prosecution more legally valid and defensible. The prosecutor must prevent the continuation of measures that lack a legal basis (Constitution of the Islamic Republic of Iran, Article 37; Saqian, 2014; Khalighi, 2022).

Precautionary measures must likewise be proportionate to their statutory purpose. Such measures must not become a form of punishment prior to trial. Their purpose is to ensure the defendant's presence and prevent disruption of the proceedings. Accordingly, the severity of a restriction must be proportionate to the relevant legal necessity, and excessive restrictions should be avoided (Constitution of the Islamic Republic of Iran, Article 37; Saqian, 2014; Khalighi, 2022).

12. Final Orders and Termination of Prosecution

Preliminary investigations cannot continue indefinitely. The law provides, depending on the circumstances, for orders of dismissal for lack of grounds for prosecution, termination of prosecution, and referral for trial. This diversity demonstrates that the conclusion of a case must be determined according to its legal status. Every final decision must be

supported by reasons and legal grounds so that statutory supervision and review may be exercised (Code of Criminal Procedure, 2013, Article 265; Khalighi, 2022).

An order of dismissal for lack of grounds for prosecution is important where the conduct does not constitute a criminal offense or where sufficient evidence for attribution is unavailable. Termination of prosecution arises where a legal impediment to the continuation of proceedings has emerged. These decisions constitute an important aspect of the protective function of the prosecution service because they prevent the imposition of criminal proceedings without a sufficient legal basis (Code of Criminal Procedure, 2013, Article 265; Khalighi, 2022).

13. Leniency and Restorative Mechanisms

Contemporary criminal policy is based on the understanding that not all offenses should result in the same form of criminal response. Suspension of prosecution, mediation, and certain leniency mechanisms may reduce the costs of judicial proceedings and reliance on imprisonment. In using these instruments, the prosecutor must take into account the statutory requirements, the seriousness of the offense, the circumstances of the victim, and the possibility of reforming the offender's conduct (Hajideh-Abadi et al., 2017; Sheidaian, 2023; Khalighi, 2022).

Prosecutorial discretion does not mean that the prosecutor possesses unlimited authority. The criteria underlying decisions must be lawful, explainable, and subject to review. If similar cases produce different outcomes without sufficient justification, the principle of equality and public confidence may be undermined. Recording the reasons for decisions and supervising compliance with statutory requirements are therefore essential to preventing such problems (Hajideh-Abadi et al., 2017; Sheidaian, 2023; Khalighi, 2022).

14. Enforcement of Criminal Judgments

The functions of the prosecution service do not come to an end with the issuance of a judgment. Proper enforcement of judicial decisions constitutes an integral part of justice. Enforcement beyond the scope of the judgment violates the rights of the convicted person, whereas incomplete enforcement infringes upon the victim's rights and undermines the credibility of the judiciary. Accordingly, a judgment must be enforced precisely in accordance with the final judicial decision and the applicable legal provisions (Code of Criminal Procedure, 2013; Khalighi, 2022).

At the enforcement stage, matters such as conditional release, suspension of the execution of punishment, fines, and restitution of property may arise. Decisions concerning these matters must be made on the basis of the law, with all relevant actions accurately recorded. Case-management technologies can contribute to preventing enforcement

errors and monitoring statutory deadlines, provided that data security and confidentiality are maintained (Code of Criminal Procedure, 2013; Khalighi, 2022).

15. Safeguarding Public Rights

Article 156 of the Constitution identifies the restoration of public rights as one of the duties of the Judiciary. Given its direct involvement with offenses having a public dimension, the prosecution service may constitute one of the mechanisms for fulfilling this responsibility. Nevertheless, public rights must be defined and pursued through law and should not become a basis for unlimited intervention in private disputes (Constitution of the Islamic Republic of Iran, Article 156; Khalighi, 2022).

In areas such as environmental protection, public health, and public safety, the harm caused by an offense may be extensive. In such circumstances, the prosecutor may intervene within the scope of his or her criminal and statutory jurisdiction and make use of specialized expertise. The prosecutor is not a substitute for the executive authorities; rather, the primary responsibility of the prosecution service is to enforce the law and pursue violations that possess the requisite legal character of an offense (Constitution of the Islamic Republic of Iran, Article 156; Khalighi, 2022).

16. Relationship Between the Prosecutor and the Investigating Judge

The investigating judge is the authority responsible for investigation, whereas the prosecutor is responsible for prosecution and the overall management of the prosecutor's office. This distinction is important for controlling the exercise of power and preventing the concentration of all powers in a single individual. At the same time, cooperation between these authorities is essential. The prosecutor must supervise the general course of investigations, while the investigating judge must make decisions within the scope of his or her statutory independence (Code of Criminal Procedure, 2013; Ashouri, 2010).

Delegating certain functions to assistant prosecutors is also necessary for managing the caseload. Nevertheless, delegation should not eliminate organizational responsibility. Recording decisions, identifying the responsible authority, and monitoring the quality of actions are necessary mechanisms for preventing jurisdictional conflicts and contradictory decisions (Code of Criminal Procedure, 2013; Ashouri, 2010).

17. Relationship Between the Prosecutor and the Court

The prosecutor and the court perform distinct roles. The prosecutor is responsible for prosecution and the presentation of evidence, whereas the court is an independent authority responsible for adjudicating the issue of guilt. The court should not be subordinate to the prosecutor's position, and the prosecutor should not regard the outcome of a case as predetermined. The separation of these roles constitutes one of the fundamental elements of a fair trial (Ashouri, 2010; Akhundi, 2008).

Appeals against judicial decisions must be pursued through legally established procedures, and disagreements between the prosecutor and the court should not be regarded as interference with judicial independence. The prosecutor may challenge a judgment in accordance with the law, while the judge must independently assess the evidence. This relationship demonstrates the allocation of functions within the structure of criminal justice (Ashouri, 2010; Akhundi, 2008).

18. Independence and Accountability

Prosecutorial independence means making decisions on the basis of law and being protected from unlawful pressure; it does not mean immunity from oversight. Judicial accountability is achieved through the possibility of appeal, statutory supervision, and the disciplinary system governing judges. The combination of independence and accountability constitutes an important condition for the legitimacy of the prosecutorial authority (Law on the Supervision of Judges' Conduct, 2011; Akhundi, 2008).

The performance of the prosecution service should not be evaluated solely on the basis of the number of cases concluded or indictments issued. The quality of legal reasoning, observance of the rights of the parties, reasonable processing time, the rate at which decisions are overturned, and resource management are also significant. Quantitative indicators without qualitative measures may create inappropriate incentives in case management (Law on the Supervision of Judges' Conduct, 2011; Akhundi, 2008).

19. The Prosecution Service and Criminal Policy

The prosecution service plays an important role in implementing criminal policy because many legislative criminal policies are operationalized at the prosecution and investigation stages. Case prioritization, responses to organized crime, the use of non-custodial measures, and protection of victims shape the practical direction of criminal policy (Najafi Abrandabadi, 2016; Khalighi, 2022).

Within preventive criminal policy as well, the prosecution service may contribute to crime prevention by analyzing cases and identifying recurring patterns of criminal conduct. Nevertheless, the functions of the prosecution service should not be conflated with those of executive or policymaking institutions. Institutional cooperation must remain within the boundaries of statutory jurisdiction (Najafi Abrandabadi, 2016; Khalighi, 2022).

20. Complex and Specialized Crimes

Economic, organized, and cybercrimes require specialized knowledge. The use of experts, continuing professional training, and the establishment of specialized units may improve the quality of investigations. However, specialization should not result in a reduction of

procedural standards, and the final decision must remain within the authority of the competent judicial officer (Ardabili, 2021; Islamic Penal Code, 2013; Khalighi, 2022).

In economic cases, distinguishing a civil or commercial dispute from a criminal offense is particularly important. Not every commercial or financial dispute necessarily constitutes a crime. The prosecutor must examine the legal, material, and mental elements of the offense so that criminal mechanisms do not displace civil and contractual remedies. This distinction is particularly important for legal certainty and the protection of economic actors (Ardabili, 2021; Islamic Penal Code, 2013; Khalighi, 2022).

21. The Prosecution Service and Electronic Proceedings

Electronic registration of complaints, service of judicial notices, case circulation, and access to records can increase the speed and transparency of proceedings. At the same time, data security, confidentiality, equal access, and the ability to maintain reliable records constitute essential requirements. Technology should function as a supporting tool for judicial decision-making rather than as a substitute for the responsibility of the judicial authority (Code of Criminal Procedure, 2013; Khalighi, 2022).

Electronic recording of the timing and basis of decisions can enhance accountability. Judicial data can also be used to identify delays and improve resource management. The use of such data must comply with rules governing confidentiality and the protection of personal information (Code of Criminal Procedure, 2013; Khalighi, 2022).

22. Structural Challenges

A high volume of cases, limited resources, and the increasing complexity of criminal offenses constitute major challenges for the prosecution service. The solution is not merely to increase the number of personnel; scientific case management, specialization, technological tools, and the differentiation of simple and complex cases are also necessary. These measures can facilitate a more effective allocation of time and resources (Akhundi, 2008; Khalighi, 2022; Saqian, 2014).

The balance between speed and accuracy is another important issue. Excessive haste may lead to errors, whereas excessive emphasis on accuracy may result in undue delay. The appropriate standard is reasonable expedition combined with quality. Managerial supervision, investigative planning, and compliance with statutory deadlines are among the mechanisms for achieving this balance (Akhundi, 2008; Khalighi, 2022; Saqian, 2014).

Another challenge concerns guaranteeing civil rights at the preliminary stage. Supervision over judicial officers, access to counsel, accurate recording of procedural measures, and the possibility of challenging decisions restricting liberty are mechanisms that can help prevent violations of individuals' rights (Akhundi, 2008; Khalighi, 2022; Saqian, 2014).

The specialization of criminal offenses also requires the development of judicial and expert knowledge. Medical, economic, environmental, and cybercrime cases may involve significant errors in the assessment of evidence in the absence of specialized knowledge. Professional training and the use of independent expert examination are therefore essential in these areas (Akhundi, 2008; Khalighi, 2022; Saqian, 2014).

23. Evaluation of the Functions of the Prosecution Service

Effectiveness and legitimacy are complementary criteria for evaluating the prosecution service. Effectiveness concerns the capacity to detect and prosecute crimes effectively, manage cases, and prevent undue delay, whereas legitimacy concerns legality, respect for rights, and the availability of mechanisms for oversight. Neither criterion alone is sufficient for evaluating criminal justice (Khalighi, 2022; Ashouri, 2010).

Prosecutorial decisions should be increasingly supported by legal reasoning and made subject to review. Any decision restricting an individual's liberty or fundamental rights requires a clear legal basis and proportionality. Transparency in decision-making enables professional evaluation and reduces unjustified disparities in practice (Khalighi, 2022; Ashouri, 2010).

The authority of the prosecution service must be authority derived from law. Severity of enforcement or an increase in the number of prosecutions, in itself, does not demonstrate effectiveness. The prosecution service can maintain sustainable legitimacy when citizens are able to anticipate the limits of its powers and challenge its decisions through legally established procedures (Khalighi, 2022; Ashouri, 2010).

24. Reform Measures

The first reform measure is to strengthen specialized training for prosecutors and officials of the prosecutor's office. Training should encompass digital evidence, economic crimes, victims' rights, defendants' rights, case management, and fair-trial standards. Continuing professional education can improve the quality of decision-making (Khalighi, 2022; Ashouri, 2010; Ardabili, 2021).

The second measure is scientific case management. Cases should be classified according to their complexity, volume of evidence, number of defendants, and social impact. This approach facilitates more effective allocation of resources and identification of cases at risk of undue delay (Khalighi, 2022; Ashouri, 2010; Ardabili, 2021).

The third measure is to strengthen the reasoning underlying prosecutorial decisions. Orders of dismissal for lack of grounds for prosecution, termination of prosecution, referral for trial, and decisions concerning leniency mechanisms should contain a clear legal basis and adequate reasoning. Such transparency benefits both the rights of the parties and judicial oversight (Khalighi, 2022; Ashouri, 2010; Ardabili, 2021).

The fourth measure is to strengthen supervision over judicial officers. Legal training, clear instructions, performance evaluation, and investigation of potential violations should be integrated into a coherent supervisory system. The quality of the crime-detection stage affects the entire criminal case (Khalighi, 2022; Ashouri, 2010; Ardabili, 2021).

The fifth measure is to provide more effective protection for vulnerable victims and to develop restorative mechanisms within the limits of the law. These measures must be implemented without undermining the presumption of innocence and the right of defense (Khalighi, 2022; Ashouri, 2010; Ardabili, 2021).

Conclusion

The prosecution service in Iranian criminal law is a multifaceted institution situated at the center of criminal prosecution and preliminary investigations. It represents the public interest while simultaneously being required to respect the rights of both victims and defendants. The legitimacy of the prosecution service depends on its ability to combine lawful authority with the constraints imposed by fundamental rights (Constitution of the Islamic Republic of Iran, Articles 37 and 156; Code of Criminal Procedure, 2013; Khalighi, 2022).

The principal functions of the prosecution service include crime detection, prosecution, supervision of investigations, control of judicial officers, adoption of final decisions, victim protection, safeguarding defendants' rights, use of leniency mechanisms, enforcement of criminal judgments, and protection of public rights. The diversity of these functions demonstrates that the prosecution service is connected with all stages of the criminal justice chain (Constitution of the Islamic Republic of Iran, Articles 37 and 156; Code of Criminal Procedure, 2013; Khalighi, 2022).

Structural challenges such as caseload, complex crimes, the need for specialization, the necessity of supervising judicial officers, and the need to balance speed and accuracy require institutional responses. Scientific case management, secure technology, specialized training, and transparency in decision-making constitute among the most important reform instruments (Constitution of the Islamic Republic of Iran, Articles 37 and 156; Code of Criminal Procedure, 2013; Khalighi, 2022).

Ultimately, strengthening the prosecution service should be pursued toward authority constrained by law. Independence without accountability and accountability without independence may both create difficulties. Combining independence, judicial oversight, respect for defense rights, victim protection, and proportionate use of criminal-law mechanisms may contribute to greater effectiveness and legitimacy of the prosecution service (Constitution of the Islamic Republic of Iran, Articles 37 and 156; Code of Criminal Procedure, 2013; Khalighi, 2022).

References

1. Akhundi, Mahmoud. (2008). *Criminal Procedure, Vol. 4: Ideas*. 1st ed. Qom: Eshraq Publications.
2. Ashouri, Mohammad. (2010). *Criminal Procedure, Vol. 2*. 12th ed. Tehran: SAMT Publications.
3. Ardabili, Mohammad Ali. (2021). *General Criminal Law, Vol. 2*. 53rd ed. Tehran: Mizan Publishing.
4. Hajideh-Abadi, Mohammad Ali, Mohammad-Khalil Salehi, and Mohsen Moradi. (2017). "Prosecutorial Discretion in the Iranian Criminal Justice System: A Comparative Perspective." *Criminal Law Doctrines*, No. 13, pp. 57–84.
5. Saqian, Mohammad Mehdi. (2014). "Strengthening the Rights and Freedoms of the Accused at the Preliminary Investigation Stage under the 2013 Code of Criminal Procedure." *Quarterly Journal of Criminal Law Research*, Vol. 2, No. 6, pp. 113–136.
6. Sheidaian, Mehdi. (2023). "An Analysis of the Principle of Prosecutorial Discretion and Its Position in Iranian and Islamic Criminal Law." *Journal of Legal Research*.
7. Khalighi, Ali. (2022). *Criminal Procedure, Vol. 1: Criminal Prosecution and Preliminary Investigations*. 18th ed. Tehran: Shahre Danesh Legal Research Institute.
8. Khalighi, Ali. (2017). *Criminal Procedure, Vols. 1 and 2*. Tehran: Shahre Danesh Institute for Legal Studies and Research.
9. Najafi Abrandabadi, Ali-Hossein, trans. (2016). *Major Systems of Criminal Policy*. Translation of the work by Mireille Delmas-Marty. Tehran: Mizan.
10. *Constitution of the Islamic Republic of Iran*. (1979), as amended and revised.
11. *Code of Criminal Procedure*. (2013), as amended and supplemented.
12. *Islamic Penal Code*. (2013), as amended and supplemented.
13. *Law on the Supervision of Judges' Conduct*. (2011).
14. *Law on Respect for Legitimate Freedoms and Protection of Citizens' Rights*. (2004).
15. Razavi, Mohammad, and Seyyed Ali Khazaei. (1998). "Citizens' Rights in the Crime Detection Process." *Quarterly Journal of Police Knowledge*, Vol. 9, No. 4, pp. 55–107.
16. Javadzadeh, Behrouz. (2010). *The Judicial Process in Iranian Criminal Law*. 1st ed. Tehran: International Publications.
17. Hojjati, Seyyed Mehdi. (2010). *The Law on the Establishment of General and Revolutionary Courts in the Current Legal System*. 1st ed. Tehran: Ketab Ava.