Structural Changes in the Judicial System of Iran after the Revision of the Constitution of 1989

Ehsanollah Saheb*, Nader Mirzadeh
Department of Law, Bandar Abbas Branch, Islamic Azad University, Bandar Abbas, Iran

*Corresponding Author: fanoos.ehsan@yahoo.com

ABSTRACT: After the subsidence of revolution initial period anxiety and consolidation of the revolution as well as ratification of the constitution, Iran’s judicial system found its actual position in the government system of the country and by the establishment of the required structure, it played a serious role in the achievement of social justice. However, after the formation of the new judicial system and good experience by the implementation of the new judicial system, social necessities of the time and the emergence of some shortcomings, it seemed that in some important cases, fundamental transformation was needed. Nevertheless, the judicial system, which was based on the constitution, did not consider the legislation of new Acts as the way of removing the facing challenges. Therefore, a review on some of the principles of the constitution was of interest to lawyers. Therefore, reviewing the defects in the constitution adopted in 1979, a revision in the constitution was put on the agenda of the trustees. In the spring of 1989 and in an appropriate atmosphere, the representatives of Islamic Consultation Assembly and the Supreme Judicial Council in separate letters requested the Supreme Leader to show the way regard to the revision of the constitution. Thus, on 24 April 1989 on a commandment to the President of the time, the required regulations regard to the Revision Council, revision practices and revised topics were issued.

Keywords: Court of Justice, Judiciary Structure, Judicial system, Constitution of 1989.

INTRODUCTION

As the study on the reforms in the constitution, regarding the Judiciary Power is quite evident, major changes in terms of management focus is on top of the Power. To this end, the Commission number three of Revision Council followed and reviewed the issue. Ultimately, the mentioned Commission announced the results of its review as follows:

“One of the main pivots of the discussion topic in the Revision Council of the constitution was the issue of focus of Judiciary Power management and Article 157 of the constitution announced the management system in Judiciary Power as being council based, and being council based was incompatible with focus of Judiciary Power management. Therefore, Judicial Commission ratified that centralized management system replaces council based system. Some parts of Judiciary Power failure relate to Judiciary Power being council based and judiciary management of the country. Consequently, the responsibilities were tainted to some extent and it was not clear which part of the Judiciary Power was under the responsibility of which of the
members of the Judicial Council. Therefore, consensus vote of the Supreme Judicial Council, of course, rarely happened… In this regard, Imam had given notifications repeatedly…. One of the reasons for Imam’s dissatisfaction with Judiciary Power lack of success was council based Judiciary Power management… Centralized management in Judiciary Power was introduced in commission in two forms, whether centralized management should be in the form of single management or double management. Committee liked the single management with single element. This means that all judicial, executive, and administrative affairs have been monitored by single management¹.

To solve this problem, the revision of the constitution in 1989 led to focus on the administration of the Judiciary Power and removal of the Supreme Judicial Council. The head of Judiciary Power was charged with Judiciary Power management. Article 160 is allocated to expressing the Judiciary Minister.

Pursuant to Article 157 of the constitution "In order to carry out the responsibilities of the Judiciary Power in judicial, executive, and administrative affairs, the Supreme Leader determines one just priest, who is aware of the judicial affairs and resourceful manager, for five years as the head of the Judiciary Power, which is the highest judicial authority".

The public and the courts in 1994

First Discussion: Omission of Public Prosecutor’s office Entity

After the mentioned evolution as well as consistency and continuity of courts, again, due to several instances, in 1994 a major change took place in the structure and organization of the Public and Revolutionary Courts. That can be named as a fundamental change that ultimately became the subject of omission of Public Prosecutor’s office entity in courts’ company².

After 1983, following the changes in the rules of legal procedure, the idea for the formation of Public Courts was introduced. In this regard, the confession of the accused in court was considered by the lawyers as a serious concern. The Guardian Council did not confirmed Procedure Code reform bill that was passed by Parliament. Therefore, due to the fundamental criticism of Guardian Council, the mentioned bill was withdrawn from the agenda of Parliament.

In the continuation of structural reforms in the Public Courts institutions, developing the bill of formation of Public and Revolution Courts was set on the agenda in the third and fourth Parliament. Finally, in March 1994, the mentioned bill was passed and the Guardian Council codified it, after adjusting a few faults in July 1994. It should also be noted that the Judiciary Power in July 1994 adopted its rules of procedure³.

Some Articles of the bill is as follows:

In order to deal with all claims, make direct reference to the Court, and create judicial branch, competent courts are formed. In addition, by identifying the Head of the Judiciary Power in each judicial jurisdiction, establishment of general courts is permitted (Articles 1 and 2).

Meanwhile, in the center of each province and the districts where the necessity of forming it is detected by the Head of the Judiciary Power, the required numbers of revolution courts under the control and administrative management of judicial jurisdiction are established. Each judicial jurisdiction will have enough courts branches, investigation judge and so on. If it has a number of branches, it will have a ledger (Articles 5 and 10).
According to this law, public courts are formed with the presence of the President of the branch or alternate public prosecutor’s office. All necessary measures and investigations, from the beginning to the verdict, are made by the court judge. The president of the court may entrust some part of the research to the investigation judges and justice executive officer. It should be mentioned that in order to revise the Public and Revolution Courts’ vote, in the center of each province a revision court combined with one head and two advisors is formed (Articles 14 and 20).

By reviewing the legal bill of formation of Public and Revolution Courts, it can be said that the mentioned bill is an organizational bill that would lead to changes in the judicial system of the country.

**Second Discussion: Revival of Public Prosecutor’s office Entity**

Justice system, which was dominate in Iran before the jurisdiction of Public and Revolution Courts formation adopted in 1994, was a French system. This means that after the discovery or indictment of the crime and fabricating penal case in the court, the preliminary investigational stage was performed by the court authorities (the investigator or research judge assistant). After conducting the preliminary investigations, if the investigator or research judge assistant’s opinion was based upon the accused’s guilt and the prosecutor agreed with it, the case was sent to the Criminal Court with the issuance of the indictment. After the necessary proceedings, carried out by the court, the verdict was dictated. Now, it is necessary to refer to the most important causes that lead to the emergence of context for omission of Public Prosecutor’s office entity⁴.

1. At the preliminary investigational stage, some accused, who confessed the crime commitment to the investigator or research judge assistant, after a while in contact with other criminals in prison or the individuals outside the prison denied their confession? When they presented in the court denied committing the crime and announced the reason for their confession in court as being under the influence of investigator authorities’ pressure. Thus, the trial judge was in doubt regard to the most important documental reason of the court for proofing the accusation (confession of the accused) and could not issue the verdict based on it⁵.

2. From the viewpoint of those who agreed the Public Prosecutor's office removal, the presence of the Public Prosecutor’s office was contrary to Islamic law. According to Sharia law, confession of the accused must be carried out in front of the court judge when the confessor is mature, wise, and free in terms of inclination and authority. Therefore, the confession that was extracted in front of the investigator or research judge assistant lacked the necessary strength and value and was not legally valid⁴.

3. Lengthy court proceedings were the other reason for omission of Public Prosecutor’s office entity. In the previous system and by the presence of Public Prosecutor’s office the cases were detained in the court for months and years. Sometimes the differences between the preliminary qualification of the type of the offense and the culpability or lack of the accusation attribution to accused made the process much longer⁶.

4. Another problem that had led to the elimination of Public Prosecutor’s office was that it happened repeatedly that a person charged with a penal offense was prosecuted by the court and was sent to jail with the legal issue, he/she might stay in prison months or years, until the case passed the required stages in the court. After passing those steps, and the issuance of the conviction and indictment, and sending the case to court, the accused was found not guilty of the
attributed misdemeanor. In this case, it was unknown that who should be held accountable for the rights of the accused that was deprived at the time of imprisonment. In this case, it was unknown that who should be held accountable for the rights of the accused that was deprived at the time of imprisonment. In this case, it was unknown that who should be held accountable for the rights of the accused that was deprived at the time of imprisonment. In this case, it was unknown that who should be held accountable for the rights of the accused that was deprived at the time of imprisonment. In this case, it was unknown that who should be held accountable for the rights of the accused that was deprived at the time of imprisonment. In this case, it was unknown that who should be held accountable for the rights of the accused that was deprived at the time of imprisonment. 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5. Omission of Public Prosecutor’s office will not make a dent in the criminal proceedings, because the legal courts one and two as well as the special civil court serve without Public Prosecutor’s office. While investigating judges and judicial police can do things that the old Public Prosecutor’s office did.

Statements of the opponent of the Public Prosecutor’s office presence in fourth parliament were faced with serious opposition from a number of other representatives that will be discussed below:

The reasons for opposition to omission of Public Prosecutor’s office entity:

1. Dissolution of Public Prosecutor’s office is against the constitution, because according to Articles 162 and 163, referring the attorney, removing Public Prosecutor’s office can be considered as a denial of attorney. In fact, several responsibilities of attorney according to different laws will be meaningless.

2. Focus on two responsibilities of judge and prosecutors and uncertainty in the impartiality of judge, due to removal of the attorney as the public prosecutor.

3. The Public Prosecutor’s office is consistent with Sharia because it is the subject of Hasbeh and Iltesab.

4. In the law of formation of criminal trials one and two, despite of the prediction of directly reference to the judge, it was never received.

5. Dissolution of Public Prosecutor’s office will lead to prolongation of judgement. Because a significant volume of records will be closed at the stage of referring to the trial and the references load to the court decreases.

In any case, due to the jurisdiction of Public and Revolution Courts formation adopted in 1994, Public Prosecutor’s office entity was removed. However, the question is that were the desired goals achieved by eliminating the Public Prosecutor’s office?

By examining the consequences of the removal of Public Prosecutor’s office in the years following the implementation of the mentioned law, we can answer the question.

It appears that the Public Prosecutor’s office removal and the establishment of the new justice system in Iran could solve the problem of admitting in front of the inspector and denying in front of the court judge. After the implementation of the 1994 Act, there is no longer such a problem. Because the preliminary investigation stage was performed by the Judge of the Court, or under his direct supervision. Therefore, if the accused confessed to the crime, it was considered as the confession to the court. If it had legal situation, the denial after it is unheard. Consequently, the trial judge assured based on the confession of the accused issues a warrant.

The other shortcoming was the length of the proceedings. Although Public Prosecutor’s office removal and the establishment of the new justice system in many simple and least important cases was successful and able to shorten the judgment proceedings, in complicated cases it was not efficient and not capable to shorten the judgment proceedings. The criterion for shortening the judgment proceedings is not the speed of closing simple and least important
cases. Because this type of cases, at the time of Public Prosecutor’s office dominate, on the basis of paragraph (b) of Article 59 of the former Code of Criminal Procedure in the form of oral indictment, were dealt with in short and immediately. Therefore, what could be the judge criterion in this context is the time duration of investigating important and complex cases. Conducting some preliminary investigation in these cases requires a lot of expertise and experience.

After the implementation of 1994, in different branches of public courts, there was criminal cases inflation. Judges, using legal barriers, tried to prevent entering the depth of the raised issues and problems and refuse handling and passing judgment on them. Among them, many people went to court many years, but still do not get results.

So far, it seems not only problem of jurisdiction length remained unresolved, but also in many cases, it became worse and the Public Prosecutor’s office removal and the establishment of the new justice system has failed in this regard.

However, on the other shortcoming, that is the detention of innocent people by the court, this problem has largely been fixed by law enforcement. If the trial judge does not believe in the accused criminality, he does not issue to him/her. Only if there is enough evidence at the preliminary stage, the judge issues the supply ruling. If the ruling leads to the arrest of the accused, there is not such a concern, like that of the Public Prosecutor’s office system. Because, finally by issuing the sentence of detention, the previous imprisonment days will be calculated as will be calculated as part of the penalty.

However, this issue sometimes leads to greater corruption that is the issuance of irrational and unjust sentence of the accused and the result will be the violation of his/her rights. It must be explained that when there is Public Prosecutor’s office and the accused is issued by the court authorities in custody, although the arrest may take time in order to conduct preliminary investigation by prosecutors, if the judge determines that the accused is innocent, and issues his release order, does not own any responsibility due to the arrestment that accused has suffered. Now that there is no Public Prosecutor’s office, if the accused is issued by judge in custody, and in the next stages after conducting preliminary investigation, the court determines that the accused is innocent; the trial judge will be in trouble for acquittal verdict. Because the acquittal verdict issuance of the accused means that the first provisional order, which led to the arrestment of the accused, has been based on incorrect reasoning. Thus in the case of the acquittal of the accused, he/she can complain against the court judge to the Supreme Court of Judges, charging with illegal detention.

Here the trial judge may prevent getting in difficulty, despite of his propensity, acts contrary to the requirement of the acquittal principle, and condemn the accused, even if only as while in custody. This is something that cannot easily be passed along. Because it questions the authenticity of the judges. The offer does not mean that judges may be guilty of this mistake, afterwards, to escape the consequences of it, commit a greater sin, and condemn an accused whom they believed in his/her innocence. However, even if there is the fear that such concerns may exist, that exist, it will be sufficient for our argument. Therefore, it can be said with regard to the shortcomings in the court system, although this problem has been largely resolved by elimination of Public Prosecutor’s office entity, instead the judicial system has a bigger deficit.

In addition, by eliminating the Public Prosecutor’s office institution, the issue of demanding public rights will be curtailed. Therefore, the in charge and incumbent of it will not be clear. If the incumbent is the head of jurisdiction, due to his responsibilities and duties that are very wide, he will be unable to do so. If the Court is in charge of it, in this case the trial
judge must consider the crime public aspect and defend the public rights of the society (Prosecutor's role). He should also consider fairness and the rights of the accused. The sum of these two responsibilities in an individual is very difficult and outside the framework of the law principals. Unfortunately, this problem makes the courts judges at risk of attacks by the accused and their lawyers. Obviously, despite of the court, this problem would not exist and invasions and attacks of the accused and their lawyers naturally extend to the Public Prosecutor's office authorities. When the case goes to court, the judge, who does not have the concern of demanding public right accountability, attempts to investigate and issue the verdict with the greatest impartiality and makes appropriate decision. The judgments issued to the parties are more popular and te court value will be maintained.

Following the criticisms to the law of public and revolutionary courts passed in 1994 and the birth of defects of the mentioned law caused by the passage of time, the Public Prosecutor's office entities were eventually restored in the judicial system. The Rehabilitation Act Amendments regard to the Public Prosecutor's office restoration in October 2002 was approved by the Islamic council Assembly. It is necessary to mention some provisions of this reform law:

According to the mentioned law, a Public Prosecutor’s office will be formed within the jurisdiction of any city in the company of the district courts. Prosecutor, who is responsible for detecting crime, prosecutes the accused to the head of the Public Prosecutor. He will have the required number of Deputy, Assistant Prosecutor, Investigator and Administrative Organizations. The prosecutor is responsible for the managing and monitoring the Justice Bailiffs tasks.

The prosecutor has the monitoring right and the right of training the required provision in matters that are referred to investigator. If he sees the investigator research flawed, he can ask for it's completed. The investigator during the investigation implements the prosecutor's legal request and mentions the facts of the proceedings. When he faces with problem, so that it is not possible to implement it, he notifies the facts to the prosecutor and look forward to solve the problem. Preliminary investigation of all crimes is the responsibility of the investigator. However, the crimes that are not in the criminal court's jurisdiction, the prosecutor also has all the powers and responsibilities that are set for the investigator (Article 3).

In accordance with Article 13 of the mentioned law, the head of the Judiciary Power to provide the Judicial Cadre of Public Prosecutor’s office, will use judges of current research and trial court alternate judges and other judges that seem appropriate. He will dissolve the branches of the courts that are indicated unnecessary by the establishment of Public Prosecutor’s office. Furthermore, the city prosecutor should have at least six years of legal work.

Thus, according to the above reform legislation, after 8 years of absence, the Public Prosecutor’s office was revived again and started its legal activities. Of course, the lawyers objected to the new law, which is outside the scope of this study to address it.

Note:

In Procedure Code, adopted in 2013, regarding the number of judges, Articles 296 and 297 have stated issues that are relevant to the subject of the present topic. Therefore, some issues in this regard will be provided:

Article 297 of the Act states that:
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(Revolution Court will be formed for investigating offenses liable to punishment in paragraphs (a), (b), (c) and (d) of Article (302) of the law by the presence of the President and two judges. To deal with other issues, the court will be formed with the President or the alternate judge or by a counselor. Note: Proceedings regulations of criminal court one are current as stipulated in the law in revolution court.)

According to Article 296 of the same Act, it is stated that: (Criminal Court one will be formed with the presence of the president and two advisors and in the absence of the president, it will be formed with the presence of three advisors. In this situation, the president of the court is under the responsibility of the advisor who has more judicial experience...)). Here are a few points to note:

Note I: In the criminal court one, if the Head of the court is absent for any reason, another advisor will be added to the mix, but in the absence of the head in the Revolutionary Court combination there is no alternate. From the amendment to Article 297, it cannot be perceived that another advisor will be replaced. Because the mentioned amendment is governing the prosecutor rules and not the composition of the Court. We believe that regard to the legal generality of the assumption, alternate judge will be replaced.

Note II: According to the Second Amendment of Article 296, by the selection of the Head of the Province Justice, the membership of revision court advisors in criminal court one and revolution court in cases where several judges investigate, is permissible. However, this issue, that is to say, the judge sharing of initial court and revision court seem far from justice.

Administrative Justice Court

In April 1993, the Court law changed and five amendments were added to Articles 15, 18 and 19:

Note 1 Amendment to Article 18 proposes the issue of judge mistake and expresses that in cases where the vote issuer judge found his mistake, the issue is proposed in the General Board and if approved by the Board, the mentioned vote will be violated and referred to another branch by the Head of the court.

Note 2 Amendment to Article 18 states that if by the recognition of the court head, a decree is flawed in terms of legal criteria, after proposing in the General Board and its violation by the Board, it will be referred to another branch to reinvestigate.

In addition, in Note of Article 19, it is expressed that the increase in revision branches depends on the proposal of the President of the Court and subject to the approval of the head of the Judiciary Power.

Again, in April 1999, some Act Articles adopted in 1981 was amended:

According to this amendment, the number of the court branches increased from 10 branches to 25 branches and it was explained that the Court branches are located in Tehran (Article 1, Note 1).

According to Act of 1981 decisions of the Court were revisable in terms of form only in the case that were issued against governmental units and organizations mentioned in paragraph (a) of Article 11. However, in 1999, Department of revision was developed and included all issued decrees of initial branches. According to Article 18 amended in 1999, all votes of the
Court initial branches were revisable by the request of one of the parties or deputy attorney or their legal representative.

Amendment of Article 19 and Addition of Note 1 and 2 state that:

((To revise the opinion of the Court initial branches, five branches are established that each branch consists of a Head and two advisors. The increase in revision branches will be by the proposal of the President of the Court and approved by the head of Judiciary Power. President of the Court is the President of the first branch.))

The General Board of the Court has explained about Article 20. According to this article, when in similar cases, conflicting opinions are issued from initial branches or revision branches, the issue will be introduced in the General Board of the Court. To form the General Board, the presence of at least three-quarters of directors of initial branches and advisors and heads of revision branches is necessary. Majority vote of the General Board for the Court branches and the other related authorities in the similar cases is binding.

The next step in the evolution of the Administrative Court is the adoption of Bylaw Procedure of the Court in 2000 that was enacted in 51 Articles and 7 notes inspired by the Code of Civil Procedure. It has been developed very shortly.

In December 2006, the other Court Act adopted that continued until 2013. The following are some of the cases of the recent legislation:

1. Changes in the composition of branches

According to Act of 1981, the Court of Administrative Justice in each branch has 2 members including a president (or substitute) and an adviser. However, under the new Act of 2006, the branches of the Court in all cases will be established of a president and two advisors.

2. Noticing the legislative history of the Court judges

The new Act of 2006, in contrast to Act of 1981, emphasizes the legislative history of the Court judges. Under Article 3 of Act of 2006, "the judges of the Court must have the experience of 15 years of practicing law. The judges with MA or PhD degree in one of the trends in the field of law or theological degree, equivalent of 10 years of practicing law is sufficient."

3. Establishment of detection branches and removal of revision branches

The branches investigate the cases with the presence of five judges experienced more than 15 years. With the establishment of detection branches, in practice, the revision branches were abolished.

4. Public Prosecutor’s office revival

According to Act of 1981, if one of the Court’s branches issues the final sentence is a case and after the verdict, new evidence was presented, it had no effect on voting. However, according to the new law of 2006, the individuals with an effective document can once again put the case into circulation.

5. The involvement of a third person
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In Act of 1981, the third person who was involved somehow in the case was not allowed to operate in the investigation. The new Act of 2006 allows the protest of third party.

6. The formation of the sentences enforcement unit

In the new law, contrary to the previous law of the Court of Administrative Justice, the Department of implementing the provisions was envisaged for the enforcement of judges’ orders.

7. Noticing the expert issue

In the past, the Court branches had the counselors that, in fact, were consulted as needed. However, in the new law expertise issue is proposed. Experts from organizations, administrative, agencies, fields and specialized subjects needed with the experience of at least 10 years of working and Bachelor or higher degree are determined to cooperate with the Court.

However, at the end, due to defects of the Act adopted in 2006, the new law of the Court was passed in 2013. Highlights of the 2013 Act are as the following:

1. one of the major changes of the new law of the Court of Administrative Justice compared to the previous law is that the new law has given the right to citizens to protest about their votes in revision branch. Two-stage proceedings in this law, meaning that the primary vote is uncertain and revisable, provide the appeal possibility. No doubt, the presence of 50 initial branches and 20 revision branches will lead the Court to issue more taught opinions to protect the rights of people.

2. Establishment of sentences implementation assistance

3. Establishment of offices in the provinces

4. The existence of specific conciliation councils of the Court of Administrative Justice

Some of the Articles of Organization Act and the Rules of Procedure of the Court of Administrative Justice adopted in 5/14/2013:

According to Article 2 of the Act of 2013, the Court is located in Tehran and is composed of initial branches, revision branches, the General Board and the professional bodies.

Article 3 expresses that the initial branches of the Court will have a president or an alternate judge and each revision branch has a president and two advisors.

According to Article 4, the Court judges must have ten years of experience, and they are appointed by the order of the head of the Judiciary Power.

Specialized bodies are the new and innovative aspect of this law that based on the Act passed in 2013, it is necessary for the affairs that are within the competence of the General Council of the Court, to be referred initially, to the professional bodies composed of fifteen of the Court judges (Article 84).

Article 89 of the General Board of the Court is that the lyrics are:

If in similar cases, conflicting opinions are issued by one or more branches of the Court, the Head of the Court is obliged to inform immediately by the preparation and presentation of report to the General Board of the Court. General Board will issue a decree, after the review and verification of conflicts and announcing the right vote. The voted is binding to the Court branches and other administrative authorities in similar cases"
CONCLUSIONS

In the present debate, the shortcomings of the constitution regard to the Judiciary Power and the necessity to review due to the challenges involved in the court system have been introduced. The most important developments can be named as focus on the Judiciary Power management of the judiciary and the Supreme Judicial Council removal. Due to these changes, fundamental problems of judicial system were solved. In addition, specific duties of the head of the judicial system were instituted.

Fundamental changes in the Public and Revolutionary Courts and the removal of Public Prosecutor’s office entity in 1994, which has existed in all periods after the constitutional period, caused many objections by the lawyers. However, finally, Public Prosecutor’s office entity was eliminated from the judicial system of Iran.

Following criticism of the law of 1994, which led to the omission of Public Prosecutor’s office entity, the reform of the Act of public and revolutionary courts formation approved in 1994 has set in the agenda. Finally, in 2002, the resurrection of the Public Prosecutor’s office entity was realized. Creation of general judicial court as a substitute for legal courts one and two and criminal courts one and two are the other developments of this period.

A development in the specific judicial authorities, such as Administrative Justice Court, during this period is also very important. Changes in the manner of revision in the courts branches and establishment of diagnosis branches, revision branches removal and revival of revision branches are the prominent changes in the Court of Administrative Justice.

However, in the years after the revolution and due to the developments taken place, there significant points that have to be considered:

1. Unconsidered changes in some crucial judicial passages of the country, such as the removal and restoration of Public Prosecutor’s office entity, despite of the opposition of jurists and scholars, are not justified. The ten-year removal of Public Prosecutor’s office institution and then revival of it has had an important influence in many court cases. Therefore, it should be noted that changes in the judicial system with numerous drawbacks that were obvious from the first, must be regarded as a bitter experience and need to be considered in the continuing activities in the judicial system. In addition, the opinions of legal scholars must be taken into consideration before the transformation model. The implementation of pilot projects can also bring good results.

2. Improvement of the functioning of the judicial system in the case of regulatory bodies outside the judicial system in order to achieve more social justice. However, as it is clear from the review of the judicial system, monitoring devices are currently embedded within the judiciary power. Therefore, it seems reasonable besides affecting these monitoring systems appropriately, based on the principle of judicial independence it is more desirable that other regulatory bodies outside the judiciary power play role.

3. Considering the pronouncement of important issues entitled human rights and the significant importance of it in human societies as well as incurring huge losses in this connection in Iran, it is better establish a human rights organization to track such affairs with structure and organization defined in the judicial system of Iran.

In general, it should be noted that although developments have been made, are positive; the implementation of absolute justice has not been achieved. Final vote of the judicial system
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despite of the improvement in their structure, such as the Court of Justice and the Supreme Court, are faced with a reduction in quality compared to the past. This means the lack of use of existing capacity and the need to be more efficient judges. In other words, the attention should be paid to judges educational issues beside Iran’s judicial system structure.

However, it is unfair to address only the challenges and deficiencies in this context. Therefore, it should be noted that structural changes of Iran's judicial system, especially after the Islamic Revolution have had positive procedures, and have taken appropriate steps to meet the justice.

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