

Concept, Nature, and Governing Principles of Judicial Proceedings

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ABSTRACT:

The present study aims to examine the concept, nature, and governing principles of judicial proceedings. The research method is descriptive-analytical and is based on library sources. The findings indicate that civil procedure is founded on fundamental principles that reflect the general orientation and policy governing the judicial process and manifest the standards for making dispute resolution increasingly fair. Principles of procedure are considered the backbone of a judicial system; they possess intrinsic value and, whether or not they are explicitly reflected in legal texts, are regarded as an integral part of the judicial structure. For this reason, both the legislator and the judge are obliged to respect these principles. Accordingly, the primary mission of adjudication in dispute resolution is to steer the judicial process toward greater compliance with procedural principles. The judge's reliance on procedural principles in various stages of litigation not only ensures the proper conduct of proceedings but also enhances the evidentiary weight and persuasive value of judicial reasoning. Moreover, due to the significant impact of adherence to these principles on the validity of court judgments, the necessity and importance of observing them throughout the judicial process are further emphasized. To ensure a fair and just trial, certain principles must be established and observed in court proceedings, including: legality of criminal proceedings, safeguarding the rights of litigants, equality of treatment for individuals in similar circumstances who commit similar offenses, impartiality of judicial authorities, full independence of the judiciary in adjudication, avoidance of undue delay in proceedings, observance of the presumption of innocence, and others.

Keywords: Judicial proceedings, Delay in proceedings, Judge

INTRODUCTION:

In order to establish order and security in society, as well as to ensure justice and prevent crime, laws have been enacted so that trials and adjudication can be conducted based on legal rules and procedural principles in a fair manner. Judicial proceedings are governed by principles known as fair trial principles, which must be observed throughout both civil and criminal proceedings. In fact, to ensure a fair trial and the protection of the rights of the parties during legal proceedings, certain principles must be established to achieve this goal. Accordingly, the legislator has set out the governing principles of criminal procedure in Articles 2 to 6 of the Criminal Procedure Code to ensure justice and protect the rights of the parties during proceedings. In addition to these principles, all stages of criminal proceedings must comply with the civil rights provisions stipulated in the Law on Respect for Legitimate Freedoms and Protection of Citizens' Rights (Ansari, 2002).

Throughout the judicial process and trial, certain principles must be observed to safeguard the rights of the parties, which are referred to as the governing principles of criminal proceedings or fair trial principles. These principles apply in both civil and criminal cases and must be respected by judicial authorities during the entire adjudication process. The first principle of a fair trial is the legality of criminal

proceedings, meaning that adjudication must be based on law to guarantee the rights of the parties.

Another fundamental principle is that judicial authorities must act with impartiality and full independence, and must investigate accusations in the shortest possible time while issuing appropriate decisions. They must also prevent any action that may cause disruption or unnecessary delay in criminal proceedings. Another key principle is the presumption of innocence. Any restrictive measure, deprivation of liberty, or intrusion into personal privacy is only permissible by law, under judicial supervision, and in compliance with legal regulations. In any case, such measures must not harm the dignity and reputation of individuals (Bazgir, 2005).

The accused must be informed of the charges and evidence against them as soon as possible and must have access to legal counsel and other defense rights provided by law to ensure a fair trial. Another principle of fair proceedings is that the accused, victim, witnesses, and other relevant persons must be informed of their rights during the judicial process, and mechanisms must be provided to ensure and guarantee these rights (Jafari Langroudi, 2008).

In addition to these procedural principles, all citizens' rights must also be respected. Judicial authorities and judicial officials must always pay attention to the observance of citizens' rights throughout criminal proceedings. Compliance with the Law on Respect for

Legitimate Freedoms and Protection of Citizens' Rights (approved 04.05.2004) is mandatory for all judicial authorities, law enforcement agents, and others involved in the judicial process. Considering the above, the aim of this research is to examine the concept, nature, and governing principles of judicial proceedings.

Theoretical Foundations of the Research:

Concept and Nature of Adjudication:

Adjudication is one of the most fundamental mechanisms of the legal system for resolving disputes and restoring the rights of individuals in society. Whenever a dispute arises between natural or legal persons regarding a right or obligation, the legal system, through adjudication, provides a structured and lawful framework for addressing that dispute. In this process, an impartial authority such as a court examines the claims, evidence, and documentation of the parties and makes a decision regarding the subject of the dispute. Therefore, adjudication is not only a tool for dispute resolution but also a means of ensuring justice and maintaining social order. The existence of defined rules in adjudication ensures that proceedings are organized, fair, and predictable, and that the rights of the parties are protected (Mohajeri, 2006).

The nature of adjudication can be examined from different perspectives. On one hand, it is a formal legal process conducted in accordance with procedural laws, and specific regulations govern all its stages. On the other hand, adjudication has a judicial nature because a judicial authority issues the final decision, and it is legally binding. Within this framework, the court is required to examine the dispute while observing principles such as impartiality, independence, and respect for the parties' right to defense. These characteristics distinguish adjudication from other dispute resolution mechanisms such as private arbitration or mediation.

One of the important features of adjudication is its structured nature. It consists of several stages, including the filing of a claim, examination of the case, presentation of evidence, issuance of judgment, and, in some cases, enforcement of the judgment. Each of these stages is governed by specific procedural rules set out in procedural law. These rules are designed both to ensure fair opportunities for defense and to maintain efficiency and order in proceedings. In essence, adjudication is a structured framework for examining claims and discovering the truth within the boundaries of law (Madani, 1987). From a social perspective, adjudication plays a significant role in fostering public trust in the legal system. When individuals are confident that they can obtain justice through courts in case of violation of their rights, legal security in society is strengthened. Adjudication also prevents individuals from resorting to self-help or arbitrary actions to restore their rights. Therefore, advanced legal systems consistently aim to design procedural rules that are

swift, fair, and transparent, ensuring full respect for the fundamental rights of the parties.

In legal terms, adjudication refers to a set of actions undertaken to resolve a legal or criminal dispute before a competent authority. These actions include filing a claim, examining allegations, presenting evidence, hearing defenses, and ultimately issuing a judgment by the judicial authority. The main purpose of adjudication is to determine the rights and obligations of the parties and resolve disputes based on law. In other words, adjudication is a process through which the court, by evaluating evidence and arguments, discovers the truth and issues a fair and lawful decision (Hayati, 2005). More precisely, adjudication can be defined as a set of procedures and rules established for judicial resolution of disputes. These rules determine how a case should be initiated, which authority has jurisdiction, how parties may present their evidence, and how the court should issue its ruling. Compliance with these procedures is essential to ensure justice and prevent disorder in proceedings. Without such rules, adjudication would likely become chaotic and unjust. Adjudication is also recognized as a formal process conducted under legal supervision by judicial authorities. In this process, the judge plays a central role in directing proceedings and evaluating evidence. The judge must decide based on the law and available evidence while observing impartiality. Therefore, judicial independence and competence are among the key factors in achieving fair adjudication.

Adjudication consists of several essential elements, each of which plays an important role in ensuring a fair process. The first element is the existence of a dispute. Without a dispute between parties, there is no need for adjudication. A dispute arises when one party claims a right and the other denies or violates it. This legal or criminal conflict initiates the judicial process. The second element is the existence of parties to the dispute. Typically, there are two parties: the claimant or plaintiff, who asserts a right, and the defendant or accused, who responds to the claim. The presence of both parties is essential for the adjudication process. Each party has the right to present claims, defenses, and evidence. Observance of equality between parties is a fundamental principle of fair adjudication (Akhondi, 1993). The third element is the existence of a competent authority. This authority is usually a court or judicial official with legal jurisdiction over the case. The adjudicating authority must be impartial and act in accordance with the law. An independent judicial body ensures that disputes are resolved fairly and legally, and that decisions are enforceable. The fourth element is compliance with procedural rules and formalities. These include the initiation of claims, service of legal documents, submission of evidence, holding hearings, and issuance of judgments. The purpose of these procedures is to maintain order in proceedings and protect the rights of the parties, ensuring that adjudication is conducted in a transparent and fair manner.

In law, litigation can be used in two general and specific senses. In the general sense, litigation refers to the set of all actions that are taken to address a dispute and resolve it in the judicial authorities. This concept includes all stages from filing a lawsuit to issuing and even enforcing a verdict. In this view, litigation is a broad and complete process that includes all judicial actions related to a lawsuit. In the general sense, litigation is not limited to the court hearing alone, but also includes preliminary and supplementary stages. For example, filing a petition, preliminary investigations, examining the evidence, issuing a verdict, and even the stages of appealing the verdict are also included in the framework of litigation. This broad understanding shows that litigation is a multi-stage and continuous process that aims to ultimately resolve the dispute between the parties. In contrast, litigation in the specific sense refers to a specific stage of the litigation process. In this sense, litigation is more limited to the court hearing and the direct examination of the claims and arguments of the parties by the judge. At this stage, the court prepares the ground for issuing a verdict by listening to the statements of the parties, examining documents and evidence, and sometimes conducting necessary investigations; therefore, in a specific sense, the main focus is on the judicial investigation stage (Katouzian, 2001).

Governing Principles of Adjudication:

1. General Principles of Adjudication:

The principle of judicial impartiality is regarded as one of the most important elements of a fair trial. According to this principle, the judge must examine the case without any prejudice, bias, or personal interest and must decide solely based on the available evidence and documentation. Impartiality means that the judge should have no particular inclination or preference toward either party and must avoid any conduct or action that may create an appearance of bias. This principle plays a fundamental role in ensuring judicial justice. Judicial impartiality must be observed not only in substance but also in appearance. In other words, the judge must not only be impartial in practice, but the circumstances of the proceedings must also be such that the parties and the public are assured of the court's neutrality. If there is evidence suggesting possible bias, legal systems usually provide mechanisms for recusal of the judge in order to prevent any damage to the integrity of justice. This principle is also emphasized in international human rights instruments. For instance, many international treaties highlight the right of individuals to be tried before an independent and impartial tribunal. In various legal systems, judicial independence and impartiality are considered essential pillars of fair trial guarantees. Such safeguards ensure that judicial decisions are rendered based on law and justice (Amrevani, 2011).

The principle of public hearings (open justice) means that court proceedings are conducted publicly, allowing members of society to observe judicial processes. The

purpose of this principle is to ensure transparency in proceedings and to prevent abuse of power or injustice in adjudication. When trials are held in public, the likelihood of unlawful or biased conduct is reduced, and public confidence in the judiciary is strengthened. Public hearings also play an important role in social oversight of the judicial system. The presence of the public and media in court sessions contributes to greater transparency and accountability in judicial decision-making. This indirect supervision may enhance the quality of judicial proceedings and ensure better compliance with legal standards. For this reason, many legal systems emphasize the principle of public trials. However, the principle of publicity is not absolute and may be subject to exceptions. For example, in cases involving moral issues, national security, or the protection of individuals' privacy, the court may decide to hold closed hearings. These limitations are intended to protect public interest or individual rights and must not be applied in a way that undermines the overall principle of transparency (Mardani, 1993).

The principle of adversarial proceedings (contradiction principle) is one of the fundamental principles of adjudication, according to which each party must have the opportunity to present its claims, evidence, and defenses and to be informed of the opposing party's arguments. This principle ensures that no judicial decision is made without hearing both sides. In essence, it guarantees equal opportunity for parties to present arguments and respond to each other's claims. One of the most important effects of the adversarial principle is the protection of individuals' defense rights during proceedings. According to this principle, any person facing a legal claim or criminal accusation must have the opportunity to defend themselves effectively. This includes access to case files, awareness of opposing evidence, the right to legal counsel, and the ability to present evidence and witnesses. Without these guarantees, judicial proceedings cannot be considered fair. The adversarial principle also prevents unilateral decision-making by the court. The judge must consider the statements and defenses of both parties before issuing a decision. If one party is deprived of sufficient opportunity to defend itself, the judgment may be subject to appeal or reversal in higher courts. Therefore, this principle plays a crucial role in ensuring fairness in adjudication (Katouzian, 2006).

The principle of promptness and diligence in proceedings is another important procedural principle that emphasizes the necessity of conducting judicial proceedings within a reasonable time and with sufficient accuracy. This principle aims to prevent unnecessary delays in litigation and to reduce the harm that may result from delayed justice. Timely adjudication contributes to the protection of individual rights and increases the efficiency of the judicial system. However, speed in proceedings must not compromise accuracy and justice in decision-making. Courts must strive to expedite proceedings while carefully examining all aspects of the case and basing

their decisions on evidence and legal documentation. In essence, this principle seeks to establish a balance between speed and accuracy so that delays are prevented without reducing the quality of justice. Judicial delay (procrastination in proceedings) is a common problem in many legal systems. Prolonged proceedings may increase costs, cause psychological pressure on parties, and even lead to the loss of evidence. For this reason, procedural laws often include mechanisms to accelerate proceedings, such as statutory deadlines for judicial actions and simplified procedures.

2. Principles Governing the Course of Judicial Proceedings:

The principle of party disposition over the subject matter of the dispute is one of the fundamental principles of civil procedure, according to which the initiative and authority to initiate, continue, and terminate a lawsuit primarily lie with the litigating parties. In other words, it is the parties who, by filing a statement of claim, determine the scope and framework of the court's proceedings, and the judge may not enter into matters beyond the claim or subject raised by the parties. This principle is rooted in the principle of autonomy of will in private law and demonstrates that the court operates solely within the framework determined by the parties; therefore, the role of the court is more supervisory and guiding rather than initiating the dispute itself. (Hayati, 2011).

Based on this principle, the plaintiff initiates the lawsuit by submitting a statement of claim and determines the subject, cause, and relief sought in the action. The court is also obliged to adjudicate within the limits of this claim and refrain from issuing a judgment beyond it. Likewise, the defendant has the right to present necessary evidence and documentation within the scope of their defense. In this way, the parties, through presenting claims, defenses, and evidence, define the course of proceedings, and the court decides based on these elements. Among the important effects of the principle of party disposition are the possibility of withdrawing the claim, withdrawing the lawsuit, settlement between the parties, and even waiving certain claims. In fact, the parties may decide during the proceedings whether to continue or terminate the lawsuit. This authority indicates that the dispute is of a private nature and that in many cases the will of the parties plays a decisive role in its outcome, except where the law imposes limitations to protect public order or the rights of third parties. (Hayati, 2005). However, the principle of party disposition is not absolute and is subject to certain limitations. For example, the court is obliged to observe mandatory legal rules and may not disregard their application even if the parties remain silent on them. Furthermore, in cases involving public order, the role of the court becomes more prominent; therefore, although the initiative in initiating and managing the case lies with the parties, the court is also obliged, within the

framework of the law, to supervise the correctness and legality of the judicial process. (Shams, 2005).

The principle of immutability of the claim means that after the filing of a lawsuit and determination of its subject matter, there is generally no possibility of substantial changes in the elements of the claim. The main elements of a lawsuit include the parties, the subject matter of the claim, and the cause of action, and any change in these elements may alter the nature of the dispute. The purpose of this principle is to create stability in the judicial process and prevent confusion for the court and the opposing party. In fact, once a lawsuit is filed, a defined framework for adjudication is established, and extensive changes may disrupt procedural order. This principle is particularly important for protecting the rights of the defendant, as the defendant must know what claim and demand they are facing in order to prepare an appropriate defense. If the plaintiff were allowed to fundamentally change the claim or its cause at any stage of the proceedings, the defendant might be taken by surprise and lose the opportunity for an effective defense; therefore, this principle helps establish a balance between the rights of the parties and prevents potential abuse in the course of litigation. Nevertheless, the law provides certain exceptions to this principle. For instance, the plaintiff may increase, decrease, or amend the form of the claim until the end of the first hearing, provided that such changes do not prejudice the rights of the defendant. In some cases, changing the cause of action or introducing related claims is also permitted, provided that they are connected to the main subject matter and do not disrupt the proceedings. Ultimately, the principle of immutability of the claim is designed to establish order, stability, and predictability in the judicial process. It enables the court to proceed within a defined framework and allows the parties to have full awareness of the scope of the dispute. Accordingly, judicial proceedings are conducted with greater order and transparency, and the likelihood of new disputes or further complications is reduced. (Vahedi, 2010).

The principle of cooperation between the parties and the judge in discovering the truth is regarded as one of the important principles of a fair trial. According to this principle, the discovery of truth in judicial proceedings is not solely the responsibility of the court; rather, the parties are also obliged to assist in clarifying the facts by presenting evidence, documents, and accurate information. The purpose of judicial proceedings is to achieve truth and render a fair judgment. This objective cannot be realized without the active participation of the parties and proper guidance by the judge. Within this framework, each party is required to substantiate its claims with valid evidence and documentation. The submission of documents, presentation of witnesses, requests for expert examination, and other evidentiary tools are among the methods that parties may use to clarify the truth. In contrast, the judge must also contribute to clarifying the case through proper management of hearings, asking necessary questions,

and carefully examining the evidence. This reciprocal interaction between the court and the parties plays an important role in achieving justice. Cooperation in discovering the truth also requires good faith from the parties. They must not mislead the proceedings by providing false information, concealing important documents, or making unfounded claims. Such actions not only prolong the proceedings but may also result in unjust judgments. Therefore, procedural laws usually provide sanctions to prevent abuse of the judicial process. (Katouzian, 2013).

The principle of prohibition of undue delay in proceedings refers to the necessity of handling cases promptly, orderly, and without unjustified delay. One of the main objectives of the judicial system is to ensure justice promptly, as excessive delay in adjudication may, in practice, result in the loss of individuals' rights. For this reason, procedural laws attempt to prevent unnecessary prolongation of proceedings by setting deadlines, defining procedural stages, and imposing legal duties on both courts and parties.

In many legal systems, various measures have been adopted to prevent delay in proceedings. These include setting statutory deadlines for submitting pleadings and evidence, limiting the number of hearings, using modern judicial technologies, and imposing sanctions for dilatory conduct. Courts are also obliged to expedite proceedings through effective case management and proper scheduling of hearings. Ultimately, the principle of prohibition of undue delay is aimed at achieving effective and efficient justice. Justice is meaningful only when it is not only correct but also timely. If judicial proceedings take excessively long, they may have adverse social and economic consequences. Therefore, adherence to this principle contributes to the protection of the parties' rights, enhances the efficiency of the judicial system, and strengthens public trust in the justice system. (Ansari, 2009).

CONCLUSION:

Judicial proceedings, whether in civil or criminal matters, are always governed by a set of specific rules and regulations, and the requirements of a lawful trial necessitate a structured and disciplined adjudication of disputes and conflicts arising between individuals, whether natural or legal persons. In contrast to contemporary judicial proceedings, the resolution of disputes in the past was largely devoid of a specific order and framework. It was generally conducted traditionally and customarily. In such circumstances, there were no governing rules or principles regulating the manner of adjudication, and disputes were resolved in any manner deemed appropriate.

Before the establishment of the Constitutional Monarchy in Iran, due to the absence of an integrated and organized judicial system, the adjudication of disputes was not subject to any specific order or structure. Accordingly, judicial authorities, based on their own discretion and each in a different manner, applied various methods for resolving disputes between

individuals. During this period, the only judicial institution that could be considered the "Divan Khaneh Adliyah" (Court of Justice), which itself did not include specific procedural arrangements in its adjudications. It was evident that such a method of adjudication could not meet the requirements of a fair and equitable judicial process. After the year 1903, with the establishment of the Constitutional Monarchy, the process of moving toward procedural principles began. During these years, with the establishment of the "Criminal Court," the "Court of Appeal," and the "Court of Cassation," as well as the drafting of two bills entitled the "Law on Judicial Organization" and the "Law on Civil Procedure" in 1907, the process of institutionalization and adherence to formal judicial procedures accelerated. Eventually, with the adoption of the Civil Procedure Code of 1939 and later the Civil Procedure Code for Public and Revolutionary Courts in 2000, adherence to procedural principles was recognized as an inherent characteristic of judicial adjudication.

One of the main features of contemporary judicial proceedings is their adherence to the "principles of procedure," and the commitment of courts to these concepts is considered an essential requirement for the realization of a justice-based judicial system.

The principles of procedure constitute the structure and foundation of adjudication. Human beings have always sought truth and justice, and judicial proceedings represent the most evident manifestation of the implementation of justice within any legal system. The ultimate aim of procedural principles is precisely this, and adherence to them promises the realization of a justice-based judicial system. Principles such as the principle of adversarial proceedings, the principle of judicial independence, the principle of judicial impartiality, the principle of public hearings, and the principle of the right to a fair trial, among others, have all emerged and evolved in pursuit of justice.

The principles governing judicial proceedings are a set of fundamental rules that provide an organized and fair framework for judicial adjudication. These principles ensure that the judicial process is conducted in a fair, transparent, and legally compliant manner in courts. Observance of these principles fosters public trust in the judiciary and guarantees the implementation of justice. In fact, without such principles, judicial proceedings may be subject to disorder, discrimination, or abuse of power; therefore, procedural laws are generally based on these principles, and judges are obliged to observe them at all stages of proceedings. From a legal perspective, procedural principles are not only theoretical rules but also practical norms that affect the conduct of courts, litigants, and even institutions related to the judicial process. These principles are emphasized in both national legal instruments, such as constitutions, and international instruments, such as human rights treaties. Observance of these principles ensures the protection of fundamental rights of individuals during proceedings and provides them with the opportunity for a fair defense. For this reason, many legal systems

consider the violation of fundamental procedural principles as grounds for annulment of judgments or retrial.

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