

Artículo de investigación

Principle of supervision of criminal procedure

Principio de supervisión del procedimiento penal

Princípio de supervisão do processo penal

Recibido: 20 de abril de 2018. Aceptado: 10 de mayo de 2018

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The principle of supervision is one of the fundamental and indisputable principles in the field of law. It is the right of the authorities to supervise the exercise of the powers of all institutions of governance, including the criminal justice institution, in the interests of guaranteeing the rights and freedoms of citizens and the public interest. Follow-up and criminal investigations in the criminal proceedings require essential judicial measures, such as summoning, prosecuting, arresting and obtaining supplies from the defendant that all of them are the point of intersection of the rights and freedoms of the accused with the public interest of the community and the rights of the perpetrators, and in clear contradictions with the principle of innocence, the rights and freedoms of the accused are limited or denied before the crime is proved. Hence, the supervision of the criminal procedure process has a fair trial of its importance and place. In order to protect the rights of the accused while protecting the rights of the victim and the community, the legislature has taken special measures to control and monitor the implementation of fair trial procedures in the criminal justice process. In this research, it is attempted to study the basics and position of the principle of supervision in Iran's criminal justice system, as well as the work of the supervision principle in the criminal procedure process.

Resumen

El principio de supervisión es uno de los principios fundamentales e indiscutibles en el campo del derecho. Es el derecho de las autoridades supervisar el ejercicio de los poderes de todas las instituciones de gobierno, incluida la institución de justicia penal, en aras de garantizar los derechos y las libertades de los ciudadanos y el interés público. El seguimiento y las investigaciones penales en el proceso penal requieren medidas judiciales esenciales, como la citación, el enjuiciamiento, el arresto y la obtención de suministros del acusado, todos ellos son el punto de intersección de los derechos y libertades del acusado con el interés público de la comunidad y los derechos de los perpetradores, y en claras contradicciones con el principio de inocencia, los derechos y libertades del acusado son limitados o negados antes de que se pruebe el crimen. Por lo tanto, la supervisión del procedimiento procesal penal tiene un juicio justo de su importancia y lugar. Con el fin de proteger los derechos del acusado mientras se protegen los derechos de la víctima y la comunidad, la legislatura ha tomado medidas especiales para controlar y monitorear la implementación de procedimientos de juicios justos en el proceso de justicia penal. En esta investigación, se intenta estudiar los conceptos básicos y la posición del principio de supervisión en el sistema de justicia penal de Irán, así como el trabajo del principio de supervisión en el proceso de procedimiento penal.

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Key words: principle of supervision, principle of innocence, process of proceedings, fair trial

Palabras clave: principio de supervisión, principio de inocencia, proceso de procedimientos, juicio justo.

Resumo

O princípio de supervisão é um dos princípios fundamentais e indiscutíveis no campo do direito. O governo das autoridades supervisiona o exercício das funções de todas as instituições de governo, incluindo a instituição de justiça penal, e garante as decisões e as liberdades dos cidadãos e dos interesses. O seguimento e as investigações penais no processo penal exigem as decisões judiciais, como a eleição, o processo de eleição, a obtenção e a verificação de todos os direitos processados, todos os direitos do filho de intersecção dos direitos e liberdades do acusado com o público de la comunidad y los derechos de los perpetradores, y en claras contradicciones con el principio de inocencia, los derechos y libertades del acusado son los negados antes de que se pruebe el crimen. Por este lado, a supervisão do processo penal processual tem um justo consumo de importância e lugar. A fim de proteger os direitos do direito penal, a proteção da clientela e da comunicação sobre a execução de medidas especiais para o controle e acompanhamento da implementação de procedimentos de supressão de direitos no processo de justiça penal. En esta investigação, se estudou os conceitos básicos e a posição do governo de supervisão no sistema de justiça penal de Irã, como o trabalho do governo de supervisão no processo de julgamento penal.

Palabras clave: principio de supervisión, principio de inocencia, proceso de procedimientos, juicio justo.

Introduction

The principle of innocence, as the common heritage of human society, and the most fundamental principle of criminal law, prohibits any limiting measure or release of freedom from individuals before the victim proves. The centroid of the principle of innocence is the safeguarding of the freedoms of individuals, especially at the stage of prosecution and before the crime is proved against the criminal justice institution. Accordingly, the monitoring of judicial proceedings at the prosecution stage and preliminary investigations is of particular importance and special sensitivity in the fair trial in the criminal procedure (consisting of prosecution, preliminary investigation, prosecution and execution); to the extent that none of the other criminal establishments assumes the omission, and thus the rights of the individuals to the freedoms before such a victim proves to such an extent.

Indeed, judicial procedures, such as summoning and obtaining and issuing supply contracts and judicial oversight in the criminal procedure process, in clear contradictions with the principle of innocence, limit or impede the rights and freedoms of the accused before committing a crime. Consequently, follow-up and preliminary investigations, and in particular monitoring of

them, have a special importance in a fair trial. On the one hand, the safeguarding of the rights and freedoms of individuals against the judiciary and prosecutors requires no restrictions on the freedoms of individuals before committing a crime in a competent court and not violating the fundamental rights of individuals. On the other hand, protecting the rights of the community and sanctioning the rights of the victim involves imposing some restrictions towards the accused and to take special legal measures before proving the crime to have time to access the defendant and preventing her escape or hiding or collusion with witnesses or partners of crime or for the purpose of evasion of the crime. In order to prevent any form of extremism in protecting the rights of the accused, the victim or the community, determines observational Terms and Conditions for any Judicial Process in the Proceedings and at the same time, has taken special measures to control and monitor the proper implementation of these rules and to observe the legal conditions governing them.

The principle of supervision is one of the most important principles in the criminal procedure that the parties are supervised by all criminal institute institutions in the interest of guaranteeing the rights and freedoms of citizens

and the public interest, with the aim of guaranteeing the proper functioning of the system. The administration of justice in each country is the foundation of that government, and governments are required to exercise effective oversight over the administration of justice, including the administration of justice, in all its dimensions, including social justice and its own survival. Criminal Procedure Rules considering that special powers have been given to judicial authorities, especially in the phase of prosecution and preliminary investigations and by exercising these powers cause denial or impediment to individual and social's rights and freedoms, has a special place in fair trial. Hence, supervision of the criminal procedure process has important implications for the implementation of justice and the protection of the fundamental rights of individuals. On the one hand, this monitoring should ensure the protection of the rights and freedoms of the accused and on the other hand, take into account the rights of the victim and the community and can establish a reasonable and equitable balance between the rights of the parties to the criminal lawsuit to ensure the survival and efficiency of the judicial system and bring public trust towards the criminal justice institution. In this research, the role of the principle of supervision in the process of criminal proceedings is tried.

Concepts and Fundamentals of the Principle of Supervision

The principle of supervision in the field of public law, including administrative law, has a special place and is aimed at ensuring the health of the performance of the administrative system of the country, the proper implementation of laws, the prevention of corruption and the good conduct of administrative affairs. The supervision process in the field of public law has a long history, and in many countries, in many countries, there are specific supervisory bodies for monitoring the implementation of the constitution and monitoring the functioning of the sovereign institutions, such as the Guardian Council in Iran, whose essence is to monitor compliance with the laws passed by the parliament or the constitution and the region, as well as to monitor the soundness of the election. From the other legal effects in Iran, we can point out to the supervision of the Administrative Justice Court, in accordance with Article 173 of the Constitution, the decisions and regulations of the government, the parliamentary oversight of the

work of the three forces through the Commission of the 90th, the supervision of the judiciary through the State Inspectorate of the State for the good conduct of affairs and the proper implementation of the rules in the administrative apparatus in accordance with Article 174 of the Constitution. In the field of private law, examples of supervision, such as the supervision of the guardians or the guardianship of his confinement and his property, and the supervision of the endowment of endowments, are of great importance.

Concepts of Supervision in Criminal Law

In the area of criminal law, despite the importance of monitoring the protection of civil rights and public rights, there is no definition of supervision, and only regulations refer to the effects of various judicial and non-judicial oversight. In view of the sensitivity and importance of the functioning of the criminal justice institution in dealing with its crimes and its special powers in limiting the rights and freedoms of citizens in the prescribed cases, perhaps we can say that monitoring the functioning of the judiciary is one of the most important and critical aspects of monitoring to ensure the implementation of justice and the survival of the state.

The legislator has considered the observance of legal standards on the one hand and the provision of fair and impartial trials with respect to the defense rights of the accused on the other (Ashuri, 1997). The judicial review has various dimensions in this regard, which are as follows:

- Supervision of judges and judicial directors on the collections under the jurisdiction of the staff of the judiciary, public officials, experts, etc. obviously, judges must be familiar with the rules and procedures of supervision in order to supervise the performance of the underlying units, including regulators, in order to properly carry out their supervisory tasks.
- Supervising the process of prosecution, investigation, prosecution and execution in order to comply with the principles and rules of fair trial and the rules of criminal procedure
- Supervision over the veracity of court proceedings by the Supreme Court and law enforcement over the performance of judges by the judiciary prosecutor

- Supervision of the judiciary by the State Inspectorate for the good conduct of the affairs and the proper implementation of the laws. Indeed, judicial review of executives can be considered as one of the most important tasks of the judiciary, without which other elements of the judiciary will not perform well. In fact, the life and dignity of a judicial organization depends on the process of monitoring and controlling the process of monitoring and controlling the survival and effectiveness of the judicial system and helping the judicial authorities to ensure that the objectives of the judicial system are realized (Communication Skills and Judicial Behavior, 1999).

From the above discussion of the concept of supervision, it may be argued that supervision and control in criminal law are: "The process of monitoring and reviewing the functioning of the criminal justice institution and collecting information from the current status of the criminal procedure and comparing it with the desired situation and to apply corrective actions and to direct the functioning of the judicial system in the desired direction and in accordance with the goals of the legal organization of the country." (Taleghani, 2004).

Obviously, the legal organization of the country consists of two parts of the sovereign institutions (both judicial and quasi-judicial) and private entities, including non-governmental legal entities such as the Bar Association and arbitration bodies that the function of both sectors of the country's legal system is in direct connection with individual rights and freedoms. Hence, monitoring and controlling their performance guarantees the fair trial. The principle of supervision can be called the most important principle, because safeguarding the implementation of other legal principles such as the principle of legality, the principle of innocence, the principle of authenticity, the principle of turning to us, etc., will be realized in the light of effective monitoring and control.

Fundamentals of Legal Principle

From the point of view of Islamic law, the rights of the judge are what the judge needs to comply with the lawsuit, in order to be fair in accordance with what the public is expecting justice to be (Baqir al-Musawi et al, 1999).

In addition to the legal principles such as the need to monitor implementation of the realization of justice and the rule of law, respect for people's

lives and property, the need for caution in the matter and the necessity of enjoining good and forbidding wrong all of which requires supervision in the community, as the most important legal basis for the monitoring principle, one can mention the following:

The need to safeguard citizenship rights and public rights:

The right to life, the right to liberty, the right to privacy, and other rights and freedoms of citizenship legitimate, constitute the fundamental human right that is the main mission of any legal system to protect them. On the other hand, the requirement of human communities is to preserve public interests and interests. Public interests and civil rights are sometimes confronted with each other, the owners of power, whether political, economic or judicial, may violate citizens' rights in protecting public interests, or in the name of the public and sometimes public interests may be ignored. Each of the private and public rights has a special place in the survival and life of the human community, therefore, monitoring to protect public and private rights and protect them from any kind of attack is inevitable.

Guaranteeing the Health of the System and Realizing the Goals of the Government:

Governance pursues various functions, including political, economic, judicial, functions and goals. The legal and judicial system of each society seeks to promote the rights of citizens and the implementation of justice, and adopts special measures and policies to achieve its high goals. Legal measures and the criminal policy of each country form the basis for the rulings of the country's judicial directors. Undoubtedly, the implementation of the policies and plans of each government in various fields of political, economic, judicial, etc. The achievement of the goals of continuous monitoring requires the various components and stages of the program.

Consideration of government positions:

General and government positions, including judicial positions in the Islamic government, are trustee, and the government is entrusted to the rulers with trust, and this bond is always in danger of rape (Habib nejad & Ameri, 2015). The requirement of credibility of the post is that the people who are assigned to the positions be trustworthy and in addition to the description of

the trusteeship and commitment of the specialty required for it. Undoubtedly, identifying and meeting these conditions requires, in particular, the trustworthiness of overseeing the proper owners. In accordance with Article 67 of the Constitution, the members of the Assembly, in the part of their oaths, state: "We will protect the trust that the nation has given us as the righteous right and obey the duty of guardianship and trust" In Article 121, in the text of the oath, the letter of the President also explicitly refers to the entrustment of power to the President by the people. Life cycling and ensuring the credibility of the power holders and control of their control requires continuous monitoring.

Rule of law and public order:

Legislation and rule of law are one of the fundamental components of the establishment of public order in society. Rule of law means that in society all political affairs, economic, social, judicial, etc. should be subject to law and the legal order will govern all elements of the government. Lack of rule of law will lead to chaos and irregularities in the affairs of society, and the affairs of the society will be based on the relationships and influence of the owners of power and wealth. In such circumstances, the prospect of the implementation of the justice of the revival of public rights will be unfounded. The constitution of Iran also emphasizes that all the people of the nation are protected by the law (Article 20 of the Constitution of the Islamic Republic of Iran).

The status of the principle of supervision in the Code of Criminal Procedure approved in 2013:

The principle of supervision is based on the fundamental principles governing the criminal procedure that the Iranian legislator has emphasized in Article 4 of the Criminal Procedure Code of 1394. In its specific sense, judicial monitoring of criminal proceedings has been described as one of the components of fair trial in the law. Since any act of the day or the restriction of freedom or the violation of personal and social rights is prohibited, except in cases prescribed by law, in exceptional cases and in accordance with the law, acts against the rights and freedoms of individuals in the community are carried out by judicial authorities. These actions are in contradiction to the fundamental principles of adultery and dignity on the basis of special

interests. Hence, the center of gravity is in opposition to the principles and rules of human rights. Contrary to the principle of innocence, pre-evidence of the crime is about accused persons of liberty or restriction of liberty or social rights, such as obtaining and issuing a supply. Therefore, there should be a specific monitoring of these actions, and perhaps these exceptional measures may provide a legal basis for violating the rights and freedoms of individuals in the community, which would lead to the abuse of power by the authorities and the violation of citizenship rights.

The judicial system of each country plays a crucial role in the survival of the state and preserves the basis of that system. Establishing justice and expanding it is the main task of the judicial organization, and the basis of the government is based on this very important mission. Given the special importance of the mission of the judicial institution, all efforts must be made to achieve the highest judicial goals. Undoubtedly, in order to achieve the objectives of the judicial organization, monitoring and control over a continuous and effective process on the performance of the organization should be implemented and without waiting for effective monitoring and achieving the objectives of the organization is far from expected. Therefore, in the field of law, the principle of supervision is of particular importance. In fact, the general judiciary and the focus of health assessment of the functioning of the judicial system are in the process of criminal proceedings.

Chapter I of the Criminal Procedure Code states that Articles 1 to 7 of this article define the criminal procedure and the principles governing the criminal procedure, among which the principle of supervision can be called the highest or the highest principles. Because without monitoring and effective control of the criminal procedure and the performance of the judicial authorities, the implementation of other fundamental principles of fair trial, such as the principle of innocence and legality, etc. will not be achieved. The implementation of fair trial procedures and the realization of their effects and objectives will be achieved only in the light of the principle of supervision and enforcement of criminal proceedings.

The issue of the principles governing the criminal procedure in criminal prosecution regulations, including the Code of Criminal Procedure, passed in 1290, and the Code of Civil Procedure

for Public and Revolutionary Courts and Criminal Cases have not been preceded and for the first time in the Code of Criminal Procedure, approved in 2013, these principles are independently counted and explained.

Article 4 of the Code of Criminal Procedure adopted in 2013 refers to the principle of supervision: "Any restrictive measure and freedom of expression and privacy of individuals, except in accordance with the law and in compliance with the regulations and under the supervision of the judicial system, is not permitted". Although the legislator in this article emphasizes only one type of oversight, namely judicial review, but the importance of monitoring the critical process of criminal proceedings is due to its exposure to the fundamental rights and freedoms of individuals by the judicial authorities.

Various interpretations can be made from the term judicial supervision, in the article. First, the purpose of supervision in this article is the same as the judicial aspect of the proceedings. Judicial punishment means that only competent judicial authorities will be responsible for investigating, prosecuting, determining and enforcing penalties. The judicial authorities, including the prosecution prosecutor's office, etc., determine the scope of the duties and powers of each one by law. This principle has been legislated by the constitution of the Islamic Republic of Iran. According to this principle, there is no jurisdiction other than the judicial authorities of any person or authority to intervene in judicial affairs.

Secondly, the phrase "Judicial supervision" goes beyond the subject of judicial review" means that the criminal procedure is valid only if it is supervised by the judicial authorities and judicial supervision, including the supervision of the judiciary by the judicial hierarchy and oversight of judicial authorities on the performance of non-judicial individuals involved in the proceedings, such as general relatives and experts.

In other words, judicial review is divided into general and specific supervision. The judicial supervision of judicial authorities is one of the judicial procedures in which judicial and administrative procedures are applied. In addition to monitoring the performance of judicial authorities, general judicial supervision includes monitoring of the performance of non-judicial entities involved in the proceedings. Given the importance of the role of all actors in the criminal justice process, the judicial system

has undoubtedly been the subject of judicial review as a general rule and the purpose of the legislature, and includes judicial review of all persons involved in criminal proceedings, both judicial and non-judicial.

Although the legislator, in expressing the principles governing the prosecution in Article 4 of the Criminal Procedure Code, has only emphasized judicial supervision, but in a general division of supervision, including judicial and non-judicial supervision. Non-judicial oversight, from a perspective, includes administrative and regulatory oversight, and from another perspective refers to the monitoring of judicial performance and the process of prosecution by non-judicial entities such as the jury, lawyers, lawyers and NGOs.

Features of the effective regulatory system

The essential condition for achieving the goals of an organization is the efficient and systematic supervision and inspection. Existence of superficial oversight in organizations not only does not have a track record, but also makes it difficult to monitor effectively and efficiently. In fact, their inertial and superficial controls hinder efficient monitoring and replace them and pave the way for deviations. Accordingly, the desired goals of the organization are not realized and even leads observers and supervisors to deviation and collusion and the platform for diversions in various aspects of the scope of formal oversight. In principle, control and monitoring systems are designed according to the goals and requirements of each organization. But there are common and fundamental features for monitoring types. The most important of these features are: reform, positivism, anticipation, objectivism, organizationalism, realism, endemicism (Alvani, 2009)

Improvement of monitoring and control:

An effective monitoring and control system must have the tools needed to obtain the exact information it needs and be able to identify and routinely address the performance defects by providing timely analysis of information and provide effective corrective strategies, because if only the monitoring system was a defective system without being able to provide corrective remedies to the disadvantages of the aberration. (As most of the day-to-day controls work in the judiciary), it does not perform his supervisory

mission, its actions will be limited to the reader and will be amended in specific cases.

Positive monitoring and control:

It is expected from an optimal supervisory system that the observer will consider the strengths and weaknesses of the set at the same time. Positive negligence does not mean disregarding the disadvantages, but the discovery of deviations is a function of a set of the most important features of efficient monitoring. In positive monitoring, in spite of neglecting the monitoring process, positive affirmative actions should be encouraged to motivate the forces and enhance the organization's positive performance and on the other hand, is has to benefit from its successful experience in other parts of the organization.

Prejudice of the control and supervision system:

In predictive control, identifying and anticipating errors and deviations and possible injuries during work, and before creating harmful consequences for path modification. In other words, monitoring in the judiciary should not be merely retrospective and, based on the results and performance feedback, it is planned to modify the affairs, but it must be able to prevent and mitigate the results of the perception and pathology.

Objectivity of monitoring and control:

One of the basic problems facing the authorities is to move away from objectivity and act on the basis of mere subjectivism. In order to overcome this problem, it is imperative that the regulatory bodies consider accurate and measurable concrete and measurable standards for design reviewers. So that observers do not monitor their own minds and tastes and preventing discrimination in supervision. Qualitative issues should be considered in this way. At present, in the Judiciary, statistics and excessive attention to the closed statistics cases in the judiciary have diminished attention to quality in monitoring programs.

System Monitoring and Control:

Supervision must be organizational and system based and not rely on one or more specific individuals, on the other hand, oversight of an

organization should also be considered organizational and collective. The function of errors is the correct act of a set of individuals, facilities, actions and relationships that have created the organization's structure and form and all errors should not be attributed to the performance of a particular agent and other organizational factors that cause deviations to be ignored. At present, the bulk of monitoring is on the individual and individual criminal procedure.

Realistic Monitoring and Control:

The functions of an organization should be assessed on the basis of existing organizational capabilities and realities. In this respect, the control and monitoring must take into account the facts of the organization, not merely emphasizing the prescriptive criteria and instrumental goals, for example, in assessing judicial collections, the following should be taken into account: The lack of judges, the number of referrals to each judge, the quality of in-service training and other organizational factors.

goal oriented being

Supervision should not be unproductive and in a way that leads to a loss of costs and facilities. Many of the annual oversight exercises in the judiciary are carried out according to routine organizational plans without achieving positive results and achievements. In such cases, the elimination of continuous controls and systematic random monitoring can be achieved.

Special functions of the principle of supervision in criminal proceedings

Reduction of Criminal Population

Most of the country's criminal justice community is a suspect who has been sent to a detention center following a criminal conviction. The accused, who accounted for a high percentage of them at the end of the trial, are indecent and often detained for a long time in terms of the inability to file a bail or the introduction of a lawyer or by arresting temporary custody and make a significant portion of the population's criminal statistics.

Considering the disadvantages and the effects of prison suicide and the special role of supply contracts in the high statistics of criminals, over the past two decades, Iran's criminal and judicial

criminal law has taken steps to reduce criminal prosecution. In the Islamic Penal Code of 2013, the legislator has focused on the definition of sentences for imprisonment and conditions, and, even in cases where sentencing is required, alternative imprisonment is mandatory. Judiciary officials have always emphasized detention in their circulars, and the monitoring body for detainees in the judiciary has been set up for this purpose.

Although some legal and judicial challenges hinder the implementation of the policy of reducing cadastral population at the prosecution stage (defendants under the provision of funding), but it is clear that, given the high number of prisoners under the contract. In addition to monitoring judicial decisions, supervision of the issuance of custody pledges in the process of proceedings, the type and amount of pledges and their appropriateness, and the manner in which the supply and modification of social, legal and judicial approaches will have a significant impact on the country's criminal justice system.

Protecting the rights of the accused

One of the essential components of a fair trial is the observance of the rights of the accused in the criminal proceedings so that, with respect to the equality of arms between the defendant and the prosecutor, adequate and equal conditions and conditions for the accused are provided and the defendant's defense rights safeguarded. Although it is necessary and necessary to make the rights of the accused in the law indispensable, it is not sufficient and that, despite the legal provisions in force, the defendant's defense rights may not be observed.

What is important in protecting the rights of the accused is the monitoring of the proceedings and monitoring the observance of the rights of the accused. The Criminal Procedure Code has a positive development over the predictive provisions in relation to the disclosure of the rights of the accused, and many of the rights of the accused, which was not previously mentioned in the law, was mentioned. Defendant's defense is not respected. The right to silence, the right to charge understanding and its reason, the rights of access to a lawyer, the right to access to the contents of the case, the right to medical examination, contact with the family and the right to public trial, and many other rights of the accused are mentioned in the

law. But it is not enough to estimate the defense rights of the defendant in law like the silence law mentioned in the law, but not the obligation to understand it, but the rules of supervision and the guarantees necessary for their understanding and observance must be foreseen.

In the French Penal Code in Article 63-1 Each of the rights that the accused must understand is independently expressed and guarantees for not complying with the rights of the accused, including the right to challenge the accused and his lawyer as well as judicial supervision, including supervision of Supreme Judicial Authorities, guarantors of the protection of their rights (Ghasemi Moghadam, 2013).

In Iran's Criminal Procedure Code, Articles 6 and 52 stipulate that the defendant must be informed of his or her rights in the proceedings and all rights stipulated in the law must be understood by the accused. The problem of the above cases is that they have conveyed all the rights of the defendant to the defendants under review and yet, it should not be understood that the rights in question should not be overseen by the accused and on the other hand, the rights of each were independently stated, in practice, the expression of general terms, or simply the mention of material numbers, was avoided in conveying the rights of the accused.

In the UK legal system, the police officer should specifically and explicitly disclose the rights of the accused. In police departments in large cities such as London, one or more lawyers may be present at all times. The lawyer must file a form containing the rights of the accused, and the judicial hierarchy also applies to the proceedings in order to safeguard the rights of the accused (Parvizi Fard , 2012). As in England, measures such as the presence of lawyers in the police department and the provision of free advice and placard placement for the rights of the accused have been adopted. In France, various monitoring measures, such as video recording of investigations at the police station, have been adopted in accordance with Articles 1-64 of the Criminal Procedure Code, with the aim of monitoring the rights of the accused (Ghasemi Moghadam, 2013).

In addition to the role of supervisory measures in defending the rights of the accused, observing the defendant's defense rights in the process of prosecution requires an effective and systematic monitoring process. Supervising the good

implementation of these rights and adopting regulatory measures such as interrogation records, the presence of lawyers, written communications of defense rights will guarantee the rights of the accused and in the absence of effective monitoring in this regard, the accused will not fully respect the rights of the accused and will violate the defense rights.

Guarantee of Victims' Rights

The victim's rights in the Criminal Procedure Code have changed dramatically in the light of remedial justice approaches. Undoubtedly, one of the essential components of a fair trial is the alignment of the rights of the accused and victim in the proceedings. The main purpose of the victims is to appeal and enter criminal proceedings to compensate for their losses and losses, and only the perpetrators' punishment does not provide for the victim's wishes and will not compensate for their losses.

In international documents, including European conventions, compensation to Victims of Violent Crimes, the 1983 United Nations Declaration on the Fundamental Principles of Justice for Victims and Victims of Abuse of Power and The 1985 United Nations Declaration on the need to protect the rights of victims and their compensation have been emphasized. In the system of British law compensation for crime Victims' views have been viewed as one of the ways to compensate victims.

Iran's legal system has also provided mechanisms to compensate the government for the losses suffered by the victims from the site of public possessions (Farjih, 2011). In addition to the usual manner in which the defendant is required to compensate for the losses suffered by the plaintiff, considering the special importance of the victim compensation in most legal systems, the state compensation for damages is also anticipated. In special cases where the victim cannot compensate for the delinquent, the rights of the victim will not be violated. The European Convention for the Compensation of Victims of Violent Crimes, by accepting the "principle of state responsibility for crimes", states that the government has been obliged to compensate for the losses because it has not acted in crime prevention and has not adopted effective criminal policies (Ashworth, 1986).

The victim, in order to compensate for his losses, can sue the court for damages caused by the crime. Some damages, such as the retaliation of property in theft, scam and dying of physical harm, are determined without a petition and a criminal sentence. Given the long and complex nature of the proceedings, the legislator has taken special measures to protect the victims from the beginning of the prosecution process in order to protect the rights of the victim, including the provision of criminal proceedings and the provision of criminal charges. Given the role of the criminal procedure in compensating for the losses suffered by the victim, monitoring the trial process as well as monitoring the victim compensation process has a special place in fair trial.

Protecting public rights and social security

Protecting public order and public rights form the fundamental pillars of citizenship rights in relation to society. Today, with the widest range of social connections and social interactions, the scope of social rights of individuals has been dramatically expanded so that the scope of public rights is wider than private law, and attacks on social security and public law have far more impact on human life. On the other hand, the maintenance of public order and public security, as well as public rights and property, are one of the most vital elements of human life. Hence, ensuring community security and protecting public rights is one of the most important goals of legal systems. In the UK, the courts also have jurisdiction to deal with constitutional issues with the aim of protecting public rights, in addition to ordinary judicial review (Jackson & Tushnet, 1999).

According to Article 11 of the Criminal Procedure Code, the prosecution of the accused and the prosecution of a public prosecution are the responsibility of the prosecutor. In addition to prosecutors, the head of the judiciary and the prosecutor general are responsible for the protection of public rights and public safety. According to paragraph 2 of Article 156 of the Constitution, one of the important tasks of the judiciary is the restoration of public rights. In this regard, the instructions on how to monitor and pursue public rights, approved on December 17, 2016, prosecutors throughout the country have the duty to pursue and supervise claims of property, interests, national interests, and public rights damages to protect public rights. Also, the

Council for the Safeguarding of public possessions rights in 2004 with the order of the presidency of the judiciary was established with the aim of protecting national lands and public rights throughout the country. Hence, supervision of the proceedings in the protection of public rights plays a vital role.

Conclusion

The principle of supervision is one of the fundamental and indisputable principles in the field of law. It is the right of the authorities to exercise the authority of all the governing bodies, including the criminal justice institution, in the interests of guaranteeing the rights and freedoms of citizens and the public interest under effective supervision. This principle has been emphasized by the legislator in article 4 of the Code of Criminal Procedure, approved in 2013 by Iran. Follow-up and criminal investigations in the criminal proceedings require essential judicial measures, such as summoning, prosecuting and arresting, and receiving supplies from the defendant, all of which is the point of intersection of the rights and freedoms of the accused with the public interest of the community and the rights of the perpetrators and in clear controversy with the principle of innocence, the rights and freedoms of the accused are restricted or denied before the crime is proved. Hence, the supervision of the criminal procedure process has a fair trial of its importance and place. In order to protect the rights of the accused and simultaneously protect the rights of the victim and the community, the legislature has taken special measures to control and monitor the implementation of fair trial procedures in the criminal proceedings.

Effective regulatory systems can have special functions and effects such as fair trial, reduction of the criminal record, simultaneous protection of the rights of the accused, the victim and the community in the criminal justice system of the country. Nowadays, most supervisors are inefficient, non-systematic and superficial and do not have the features of scientific supervision and efficient. Given the vital role of monitoring in the health of the functioning of the judicial system, the establishment of an effective regulatory system based on the essential characteristics of

an efficient regulatory system is inevitable. The most important of these features are: reform, positivism, anticipation, objectivism, organizationalism, realism, endemicism. Guaranteeing the health and prosperity of the operation and the survival of the judicial system depends on the reform of the structure of the judiciary and the establishment of regulatory structures based on the characteristics mentioned.

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