



The Reciprocal Impact of Civil and Criminal Claims on Each Other

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Abstract

The reciprocal impact of civil and criminal claims on each other is one of the complex and significant issues in the Iranian judicial system, whereby proceedings in one judicial forum may be contingent upon the determination of a matter in another forum. This study, employing an analytical–descriptive method and using library-based data collection, examines the dimensions of this interaction. Such interaction is mainly manifested through the institutions of Order of Suspension of Civil Proceedings (qarār-e enāteh) and damages resulting from a criminal act. The findings indicate that the prevailing judicial practice is largely based on the civil court’s adherence to the final judgment of the criminal court and the suspension of proceedings through the issuance of an Order of Suspension. This reciprocal influence can be traced throughout all stages of litigation—from preliminary investigations and trial proceedings to appeal, cassation, and retrial. The most critical challenge arising from this situation is the prolongation of proceedings and the imposition of additional costs on the litigants and the judicial system. Moreover, there are legal gaps and ambiguities, including the lack of clarity regarding the extent of the “impact” of rulings from one forum on another and the absence of explicit provisions for cases in which civil claims affect criminal proceedings. The article ultimately proposes the establishment of specialized chambers within criminal and civil courts to address cases with interdependent claims as a practical solution to expedite adjudication and enhance the efficiency of the judicial system.

Keywords: civil claims, criminal claims, reciprocal impact, order of suspension of civil proceedings (qarār-e enāteh), prolonged litigation, Iranian judicial system.

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1. Introduction

The Iranian legislator has used the concept of “claim” (*da’vā*) in three distinct senses. First, as the legal capacity of the right-holder to bring a case before judicial authorities (Articles 18 and 1336 of the Civil Code; Articles 2, 11, 15, and 17 of the Code of Civil Procedure) (Elahi Manesh, 2018). The realization of a claim in this sense requires two conditions: the existence of a legal right (real or alleged) and its violation or denial (Khaleghi, 2021). The second meaning of claim is “dispute or controversy,” which is raised and examined before judicial authorities; this sense appears in provisions such as Articles 1, 24,

50, and 57 of the Code of Civil Procedure (Rahmdel, 2017). The third concept of claim refers to “allegation,” whether not yet brought before a court or raised incidentally during proceedings, such as the claims mentioned in Article 142 of the Code of Civil Procedure (Naji, 2016). Jurisdiction to hear a claim depends on its nature: civil claims between private persons are heard by civil courts, while claims connected to crimes are adjudicated in criminal courts. However, the linkage and interdependence of civil and criminal matters sometimes blur these jurisdictional boundaries and create reciprocal effects between the two (Elahi Manesh, 2018). This overlap may delay proceedings and impose additional costs on the injured party, the state, and society. The aim of this study is to explore solutions to mitigate these shortcomings. The central issue of this research is “the reciprocal impact of civil and criminal claims in Iranian law.” Despite the jurisdictional separation, there are circumstances where these boundaries become less distinct. Examples include proving ownership in criminal cases concerning property-related offenses, establishing fraud claims in civil courts, proving intentional homicide for inheritance disqualification, and determining damages resulting from a crime. Beyond these concrete cases, two broader legal institutions—“damages resulting from a criminal act” and the “Order of Suspension of Civil Proceedings” (*qarār-e enāṭeh*)—are clear manifestations of this reciprocal impact. Regarding damages resulting from a crime, although criminal courts have adjudicated such matters for over 100 years, ambiguities remain concerning the conditions for filing such claims (Khaleghi, 2021). According to Article 16 of the 2013 Code of Criminal Procedure, the adjudication of damages is primarily handled by one forum (civil or criminal), and simultaneous filing in both is not permitted except with withdrawal of one claim. The second institution, the *Order of Suspension of Civil Proceedings*, allows the criminal court to suspend proceedings until the civil court decides on an interdependent matter (such as ownership) (Naji, 2016). Issuing this order is based on the principle that investigating the prerequisites and elements of a charge is generally within the jurisdiction of criminal courts, but due to the technical nature of certain matters, this competence is exceptionally delegated to civil courts (Pourmohammad, 2015). A key question is: in which cases is the criminal judge obliged to issue an *Order of Suspension*? Although the new law does not list specific cases, judicial practice recognizes matters such as property rights, marriage validity, and insolvency as common grounds for suspension (Elahi Manesh, 2018). Objections to the *Order of Suspension* depend on the stage and the issuing court. If issued during trial, under Articles 426 and 428, the Court of Appeal of the province or the Supreme Court hears the appeal. If issued at the preliminary investigation stage (in cases directly before the court), according to the Note to Article 80, the competent authority is the provincial Court of Appeal (Khaleghi, 2021). In certain important crimes, under Unification Ruling No. 768, the Supreme Court is the competent authority to review objections to suspension orders during preliminary investigations (Mousavi, 2022). The ultimate goal of this article is to analyze these reciprocal effects, identify legal and judicial gaps, and propose practical solutions to achieve better justice within the Iranian legal system.

2. Literature Review

2.1. Lexical and Legal Definition of Civil Claims

Lexically, the Persian word “da‘vā” denotes asking, summoning, claiming, and plaintiff. In *Dehkhoda Dictionary*, it refers to claiming, demanding, dispute, and litigation (Dehkhoda, 1998). In logic, “da‘vā” denotes the disputed proposition in debate (Mirsalim, 1996). Its English equivalents include terms such as “dispute,” “combat,” “contention,” and “litigation.” In Arabic, it means claim, conflict, and judicial lawsuit, while in French it is rendered as “right to sue” or “request for adjudication.” In legal terminology, although “claim” is not explicitly defined in Iranian statutes, it is among the most widely used legal concepts. Generally, a claim is when a person who asserts a right against another demands judicial protection, whether the right concerns tangible property, debt, preemption, marriage, etc. Jurists have offered various definitions. According to Ja’fari Langaroudi, “claim” may mean a dispute over a right, the plaintiff’s allegation (narrow sense), or the totality of claims and defenses of both parties (broad sense) (Ja’fari Langaroudi, 2009). Katouzian defines it as a right by which individuals may request the court’s protection for their rights (Katouzian, 1997). Shams also regards a claim as the plaintiff’s legal capacity to resort to competent authorities and seek legal effects (Shams, 2020). In Islamic jurisprudence, rather than defining “claim,” scholars have focused on its elements such as “plaintiff” (*mudda’i*) and “defendant” (*munkir*). However, some jurists, such as Hosseini ‘Āmeli, define

a claim as “a demand for a right by one person from another in the presence of a judge” (Hosseini 'Āmeli, 1997). Some Sunni scholars consider it a “credible assertion intended to claim or defend a right,” though this definition is criticized for the ambiguity of “credibility.” Providing a precise definition is essential for analyzing statutory provisions.

2.2. Lexical and Legal Definition of Criminal Claims

Lexically, “kifār” (punishment) means primary retribution, penalty, reward, and elsewhere retribution for good and evil (Moein, 2007). In English, “punishment” corresponds to *retribution*, denoting retaliation, reward, and penalty. In Arabic, it means *‘uqūbah* (sanction), punishment, and chastisement. Article 34 of the Constitution recognizes litigation as an undeniable right of every individual, and the subsequent article refers to the parties to a claim but does not differentiate initial litigation from other forms (Mowloudi, 2017). After the commission of a crime, a claim is filed before a criminal court upon the complainant’s initiative. Any criminal case lodged in a competent criminal forum, after its filing, is referred to as a “criminal claim.”

3. Research Method

This research employs an analytical–descriptive method. In this approach, the researcher investigates the essence, causes, and procedural dynamics of the issue under study—namely, “the reciprocal impact of civil and criminal claims on each other.” Data collection is document–library based, and the research tools include authoritative books, scholarly articles, reputable legal websites, and academic legal portals.

4. Effects of Civil Claims on Criminal Proceedings at the Crime Detection Stage

Crime detection is the first stage of the five-phase criminal process. Without the discovery of a crime, the criminal justice cycle cannot begin (Mousavi, 2011). The concept of crime detection is not defined in the new Code of Criminal Procedure of 2013, the Universal Declaration of Human Rights, or the International Covenant on Civil and Political Rights; however, legal scholarship offers varied definitions. Some scholars view crime detection as the stage of becoming aware of the commission of an offense, identifying the suspect, and collecting incriminating evidence (Servat, 1991). Others consider it to include all measures taken after becoming aware of the crime to preserve instruments, effects, and traces of the offense, secure evidence, and prevent the suspect’s flight, concealment, or collusion (Mas’oudi, 2002). Yet, some authors argue that actions taken “after being informed” of the crime are not part of detection. These definitions do not sufficiently distinguish between the stages of “crime detection,” “prosecution of the suspect,” and “preliminary investigation,” even though, under Article 1 of the 2013 Code of Criminal Procedure, these are treated as distinct phases. As clarified in Article 90, actions such as identifying the suspect, gathering evidence, preserving traces and indications of the crime, and preventing escape or concealment are all categorized under “preliminary investigation.”

Consequently, based on Articles 1, 22, 28, and 90 of the 2013 Code of Criminal Procedure, “crime detection” can be described as: “a set of lawful actions such as surveillance, search and inspection, fingerprinting, crime scene examination, and the search for human remains conducted by law enforcement officers within their legal rights and duties to ascertain the occurrence of a crime” (Mehra & Mahmoudian, 2017). At this stage, the role of judicial police (law enforcement officers) is limited to reporting indications or signs of a crime. Determining whether the act is criminal and legally qualifying it lies with the competent judicial authorities in the prosecutor’s office. Orders to prosecute or dismiss a case are issued by the investigating judge (*bāzpers*) or the prosecutor. Article 64 of the 2013 Code of Criminal Procedure lists the legal grounds for initiating prosecution: (a) a complaint by the complainant or private plaintiff; (b) notification and reporting by law enforcement officers, official authorities, or trustworthy individuals; (c) the occurrence of an obvious crime before the prosecutor or investigating judge; (d) confession by the suspect; and (e) other lawful means by which the prosecutor learns of the offense. As observed in paragraph (b), the legislator limits the power of law enforcement to reporting, while the decision to prosecute lies with the prosecutor. Law enforcement officers have no authority to decide on the substance of the case or impose security measures.

Therefore, the existence or non-existence of a civil claim or the defendant's assertion of a pending civil claim does not affect the decision to prosecute at this stage. Furthermore, law enforcement officers are not authorized to issue an *Order of Suspension of Civil Proceedings (qarār-e enāteh)*. Thus, civil claims have no impact on the initiation, conduct, or course of the criminal case at the crime detection stage.

5. Effects of Civil Claims on Criminal Proceedings during Preliminary Investigation and Trial

Preliminary investigation comprises all actions undertaken regarding a criminal act before the trial session to discover the truth. It is an integral part of the criminal process (detection, investigation, adjudication, and execution of judgment) and is usually carried out by a judicial authority such as an investigating judge (*bāzpor*) (Baqerpour, 2005). The term "preliminary investigation" is used because these measures are specific to the inquiry phase before trial. However, under Iranian law, certain crimes, such as offenses against public morality (*monāfi-ʿafat*), are investigated directly by the court, whereas in common law systems, the police usually conduct these investigations.

Earlier definitions, such as in the repealed 1999 Code of Criminal Procedure (Article 19), were incomplete and did not include actions by the investigating judge. Due to these shortcomings, some legal scholars define preliminary investigation as all actions by law enforcement and judicial authorities to collect evidence (in favor of or against the suspect) with the aim of preparing the case for trial (Moradian). The new 2013 Code of Criminal Procedure, in Article 90, defines it more comprehensively as a set of lawful actions to preserve evidence, gather proof, identify the suspect, and prevent their escape. These investigations are characterized by speed, non-publicity, being conducted in writing, and their non-adversarial nature (Ashouri, 2000). Depending on the offense, preliminary investigations may be conducted either in the prosecutor's office (*dādsarā*) or directly in the court. The following explains the impact of civil claims in each setting:

5.1. Preliminary Investigation in the Prosecutor's Office

Article 22 of the 2013 Code of Criminal Procedure provides for the establishment of the prosecutor's office: "To detect crime, prosecute suspects, conduct investigations, protect public rights, and bring necessary actions, as well as enforce criminal judgments and handle other legal duties, a public and revolutionary prosecutor's office shall be established in each judicial district alongside the relevant courts."

Regarding the issuance of an *Order of Suspension of Civil Proceedings (qarār-e enāteh)*, Article 21 states: "Whenever establishing the criminal liability of the defendant depends on the proof of matters outside the jurisdiction of the criminal court and within the competence of a civil court, the criminal proceeding shall be suspended by issuing an *Order of Suspension* and specifying the interested party. Until a final decision is reached by the competent authority, the prosecution is suspended and the file temporarily archived. If the interested party fails, without a valid excuse, to refer the matter to the competent civil court within one month from the notification of the order and to provide a certificate, the criminal court shall resume proceedings and make the necessary decision."

The Note to this article clarifies that the *Order of Suspension* may be issued by the prosecutor's office during the preliminary investigation stage. According to Note 1 of the same article: "Where the *Order of Suspension* is issued by the investigating judge, it must be submitted within three days for the prosecutor's approval. If the prosecutor disagrees, the dispute shall be resolved according to Article 271 of this law."

Certain offenses, however, are investigated directly by the court. For example, Article 306 (as amended on June 17, 2015) provides that crimes against public morality shall be directly adjudicated by the competent court. Its note, also added on June 17, 2015, specifies that crimes against public morality include *hudūd*-based sexual crimes and discretionary offenses such as illicit kissing and intimate contact.

5.2. Preliminary Investigation Conducted by the Court

In criminal adjudication, aside from civil claims concerning movable property (Note 2 to Article 21 of the 2013 Code of Criminal Procedure), civil claims that are within the inherent or exclusive jurisdiction of civil courts cannot be determined, examined, or adjudicated by criminal courts. Consequently, the criminal court must refer such issues to the civil forum.

Generally, a criminal court is competent to review all allegations, objections, and prerequisites related to the crime being adjudicated. However, to ensure procedural order and justice, the legislator sometimes excludes the review of certain underlying matters from the criminal court's competence or subjects them to additional procedural safeguards. In such cases, the criminal court issues an *Order of Suspension of Civil Proceedings* (*qarār-e enāteh*), halting the criminal process until a final ruling is obtained from the competent authority on the underlying civil issue (Akhoundi, 2016).

Both civil and criminal courts have the power to issue an *Order of Suspension*. While the 2013 Code of Criminal Procedure (Article 21) provides for its issuance by criminal courts, in most instances, criminal courts refer such matters to the prosecutor's office for action.

On the other hand, under Article 19 of the 1999 Code of Civil Procedure, civil courts may issue an *Order of Suspension* whenever adjudication depends on determining a criminal or another civil matter falling under the jurisdiction of another court (Pourmohammad, 2015).

6. Effects of Civil Claims on Criminal Proceedings at the Appeal Stage

In this section, the effects of civil claims on criminal proceedings during the appeal stage are examined. The term "appeal" (*tajdīd-naẓar*) replaced "cassation" (*farjām*) in 1979; originally, it referred to substantive and ordinary review but later, under the Law on the Formation of Civil Courts, was necessarily redefined as "formal review" (Shams, 2003). Appeal is the re-adjudication of a case to examine the trial court's judgment, and its underlying philosophy is to correct potential judicial errors by allowing a two-tiered process (Matin-Daftari, 1999). Besides its remedial function, appeal exerts a preventive effect by encouraging greater care from trial judges and thus helps ensure fair adjudication.

According to Article 434 of the 2013 Code of Criminal Procedure, the grounds for appeal include: (a) invalidity of evidence; (b) incompatibility of the judgment with the law; (c) lack of jurisdiction of the court or existence of grounds for recusal; and (d) failure of the court to consider the evidence presented. Furthermore, paragraph (th) of Article 450 (amended 2015) provides that in more serious crimes, the appellate court may summon the parties and conduct a substantive review. If a judgment has been issued without regard to inherent jurisdiction, the appellate court may issue an *Order of Suspension of Civil Proceedings* (*qarār-e enāteh*), and if the lower court's decision is annulled for incorrectly determining a civil matter affecting the criminal case, the appellate court will render a new judgment (Shams, 2020).

7. Effects of Civil Claims on Criminal Proceedings at the Cassation Stage

Etymologically, "cassation" (*farjām-khāhī*) means termination or finality (Moein, 2007). In legal terminology, it refers to an extraordinary petition against judgments rendered by the provincial appellate courts (Ja'fari Langaroudi, 2009). Cassation is one of the extraordinary remedies aimed at protecting individual rights from judicial errors and reviewing judges' adherence to due process and law. The Supreme Court, as the cassation body, does not examine the merits of the case or issue a new judgment; it only affirms (*ebṛām*) or quashes (*naqẓ*) the decision to ensure its legal correctness (Sadrzadeh Afshar, 2003).

Article 464 of the 2013 Code of Criminal Procedure defines the grounds for filing a cassation petition before the Supreme Court: (a) failure to apply laws concerning the defendant's liability and prescribed punishment; (b) significant violations of due process resulting in the invalidity of the judgment; and (c) inconsistency between the court's reasoning and the case evidence. For example, failure to consider the impact of civil claims on the criminal process or disregard of the court's inherent jurisdiction can constitute grounds for quashing the judgment (Matin-Daftari, 1999). Once the petition is filed, the reviewing chamber examines the file; the reporting judge (*ʿozv-e momayyez*) prepares a report, and the parties or their lawyers may present their statements with the court's permission. The Prosecutor General also provides a written opinion regarding affirmation or quashing. The Supreme Court then decides: if the judgment is lawful, it affirms and returns the case; if unlawful or issued without observing essential procedure, it quashes. In cases of quashing, depending on the nature of the defect, the case may be closed without referral (e.g., when the act is not a crime at all), or returned to the issuing court or a parallel court for retrial, or transferred to the competent forum if jurisdiction was lacking (Mirakmali & Kazemi, 2013).

8. Effects of Civil Claims on Criminal Proceedings at the Retrial Stage

This section addresses the influence of civil claims on criminal proceedings during retrial (*e'āde-ye dādrasī*). Linguistically, “retrial” means to return and conduct the judicial process anew. In legal terms, it is the substantive reconsideration of a case previously adjudicated by the original court (Ansari, 2005). Retrial is an extraordinary legal remedy with three essential features: it challenges a final judgment; it is exceptional and must be based on specific statutory grounds; and it leads to a new substantive review (Ja'fari Langaroudi, 2015). Its importance lies in safeguarding rights and ensuring justice by providing a mechanism to overturn erroneous final judgments (Katouzian, 1997; Mirakmali & Kazemi, 2013).

Article 474 of the 2013 Code of Criminal Procedure outlines the general conditions and specific grounds for retrial. General conditions include the finality of the judgment, while statutory grounds cover situations such as: the reappearance of a person believed to have been killed; contradictory judgments concerning a single, indivisible offense; discovery of forged documents or perjury influencing the judgment; and the emergence of new facts or evidence proving the convict's innocence.

In the Iranian legal system, retrial operates under the doctrine of “limited transfer of jurisdiction,” meaning the case is remanded to the original court but only to the extent of the specific ground for retrial and without expanding the scope of review (Larguer, 1999). This approach preserves the stability of final judgments while enabling correction of serious judicial errors affecting criminal outcomes due to unresolved or incorrectly adjudicated civil matters.

9. Effects of Criminal Claims on Civil Claims

In this part of the article, the effects of criminal claims on civil claims are examined. Next, the effects of criminal claims on civil claims at the first-instance stage—in the Dispute Resolution Council and in the trial court—are explained separately.

9.1. Effects of Criminal Claims on Civil Claims in the Dispute Resolution Council

Pursuant to Clause 2 of Article 156 of the Constitution and Qur'anic verses, Dispute Resolution Councils were established to expedite adjudication and promote reconciliation. Their executive bylaw was approved in 2002 (Dezhkhah, 2003).

The councils' jurisdiction and powers are specified in various laws, including the 2015 statute:

Article 8: With the parties' agreement, the councils act to achieve settlement in:

- all civil matters;
- all offenses subject to pardon by the victim;
- the private-rights aspects of non-pardonable offenses.

Article 9: In more limited situations—such as pecuniary claims up to a specified amount, eviction of leased premises, rent adjustment, estate matters, insolvency, certain family disputes, and minor offenses—the council's judge may adjudicate and issue a decision.

Proceedings in these councils are not subject to the formalities of the Code of Criminal Procedure, and their decisions are appealable before the general courts.

Where a criminal claim affects a civil claim (or vice versa), Article 18 of the Dispute Resolution Council Law—by making council proceedings subject to the Codes of Civil and Criminal Procedure—implies that the council must issue an *Order of Suspension of Civil Proceedings* (*qarār-e enāteh*) and decide in accordance with law.

9.2. Effects of Criminal Claims on Civil Claims in the Trial Court

Article 19 of the 2000 Code of Civil Procedure sets out the court's and the plaintiff's duties when proof of a matter depends on another court's determination: “Whenever adjudication of a claim depends on proof of an allegation whose examination falls within another court's jurisdiction, the adjudication shall be stayed until the competent authority renders a decision. In that case, the plaintiff must, within one month, bring the claim before the competent court and submit its filing receipt to the registry of the seised court; otherwise the claim shall be dismissed. The plaintiff may refile after proving the allegation before the competent court.” Accordingly, if there is a criminal case that impacts the civil dispute, proceedings must be stayed and an *Order of Suspension* issued. This is reinforced by the principle that criminal judgments take precedence over civil judgments

and that civil courts must follow the binding determinations of criminal courts in matters affecting the civil case (Bahrani, 2003; Beheshti & Mardani, 2006).

10. Comparing the Effects of Criminal Claims on Civil Claims

We first consider the effects at the appeal stage. The appellate court has a higher rank than the trial court and is regarded as a superior court. This is a transitional stage: upon an appellant's request, the file is transferred from the trial court to the court of appeal. The appellate court may affirm, modify, quash (invalidate) the trial judgment, or remit the case to the competent forum. These powers are reflected in Articles 350, 352, and 358 of the 2000 Code of Civil Procedure (e.g., quashing the judgment, dismissing the claim, and transferring the case). As a superior court, the appellate review is also subject to Article 8 of the Code regarding inherent jurisdiction (Chaffari, 2017). Under Article 7 of the 2000 Code, review of the merits at a higher stage (appeal) is permissible only after a judgment has been rendered at first instance, unless the law provides otherwise (*ibid.*).

Article 330 of the Code—stating that court judgments are final unless made appealable by law—has been criticized. Among the criticisms are: it wrongly equates “final” with “appealable,” despite their partial overlap; and it refers only to “judgments” even though “orders” are not neatly classifiable as final or non-final. A further critique is that, while the article aligns with the principle of finality of judgments and treats appeal as an exception, other principles (e.g., Article 10 of the same Code) and the multi-tiered nature of current proceedings (up to four stages) support the converse presumption: in the present system, “judgments are presumptively appealable unless the law provides an exception” (Bahrani, 2003).

Appealable judgments at the parties' instance include: pecuniary claims exceeding a statutory threshold; judgments not based on in-court confession; judgments not based on a conclusive expert opinion accepted in writing by both parties; and judgments on accessories where the principal judgment is appealable. All judgments in non-pecuniary cases—such as marriage, divorce, and filiation—are also appealable.

Non-appealable judgments include: pecuniary claims up to the threshold; judgments based on in-court confession; and judgments based on a conclusive expert opinion accepted in writing by both parties. In addition, if both parties have waived appeal in writing, the judgment is not appealable (Beheshti & Mardani, 2006).

Certain interlocutory orders are appealable—but only if the principal judgment would itself be appealable. These include orders dismissing or striking the complaint (issued by the court, not the clerk), orders dismissing the claim or refusing to hear it, orders declaring the claim extinguished, and orders declaring a party legally incapacitated. In low-value pecuniary cases (up to the threshold), these orders are likewise non-appealable (*ibid.*).

Under Article 348 of the 2000 Code, grounds for appeal include lack of evidentiary validity, failure to satisfy legal conditions for witnesses, failure of the judge to consider proffered evidence, lack of jurisdiction of the judge or court issuing the judgment, and inconsistency of the judgment with Islamic principles and statutory provisions (Vahedi, 2000). Pursuant to Article 353, where the appealed order conforms to law, the appellate court affirms it; otherwise, upon quashing, the file is remitted to the issuing court for a merits determination. For example, if a civil court issues a judgment without considering a dispositive criminal ruling, the appellate court will quash and return the case for issuance of an *Order of Suspension* and renewed adjudication so that the trial court can render a new judgment consistent with the criminal court's result (Matin-Daftari, 1999).

Next, we examine the effects at the cassation stage. As noted in the literature, judicial systems typically comprise two stages of merits review (trial and appeal) and a further stage of formal review before the Supreme Court. Cassation—ordinarily the final ordinary challenge to a final judgment—aims to supervise correct application of the law and conformity of the judgment with statutory and religious provisions. At this stage, the Supreme Court examines the judgment and, if an error is identified, quashes and remits the case to a court of equal rank for retrial. One factor affecting cassation review is the interaction of criminal and civil claims. If the Supreme Court determines that a civil judgment failed to consider a matter within the criminal court's competence, it will quash the judgment. Upon remand, the competent court must issue an *Order of Suspension* and stay the civil proceedings until the related criminal claim is finally resolved. This demonstrates the direct impact of a criminal outcome on the trajectory and final result of a civil case at the cassation stage (Ja'fari Langaroudi, 2009; Karimi, 2011).

Finally, we address the effects at the retrial stage. Under Article 432 of the 2000 Code of Civil Procedure, retrial (*e'āde-ye dādrasī*) is divided into “principal” and “incidental.” A principal retrial petition is filed directly—by a petition—against a final

judgment when no other case concerning it is currently pending. By contrast, an incidental retrial petition is raised during the adjudication of another case pending before the court (Article 432). According to Article 426, retrial may be sought only against final judgments and on specified grounds, such as *ultra petita* judgment, discovery of fraud or a forged document that influenced the decision, discovery of new evidence previously unavailable to the petitioner, or contradiction between judgments issued by the same court. After admission, and upon verifying the probative value of the grounds (Article 438), the court quashes the prior judgment and issues the appropriate ruling. A significant instance for retrial arises where judgments of civil and criminal courts concerning the same subject conflict—for example, where a civil court confirms a person’s lawful possession while a criminal court deems the same person a usurper. In such a case, under Article 439, once retrial is granted, the second (civil) judgment is quashed and the first (criminal) judgment remains effective (Mirakmali & Kazemi, 2013; Shams, 2003).

11. Conclusion

In the Iranian legal system, civil and criminal claims can exert reciprocal effects on one another’s outcomes. The civil-to-criminal influence is especially evident in offenses against property and offenses against persons. In property crimes, civil claims concerning ownership, bailment, contracts, and rights of retention may shape the adjudication of theft, fraud, and breach of trust. In offenses against persons, family-law claims such as filiation, custody, *li’ān*, and divorce may bear upon charges such as adultery, slander, and assault and battery. Conversely, criminal claims can affect civil litigation. Homicide, for instance, has implications for civil actions involving non-pecuniary damage, inheritance, and tort liability. Property crimes such as forgery and destruction of property can influence civil claims relating to title and ejectment. Where adjudication of one claim depends on determining a matter in another court, the “order of suspension” is employed.

The Codes of Criminal and Civil Procedure delineate the conditions for issuing an order of suspension. The principal difference is that, in criminal matters, if the interested party takes no action, the criminal court continues the proceedings, whereas in civil matters the court dismisses the claim. This divergence stems from the public dimension of crime and the imperative of punishment in criminal adjudication.

These reciprocal effects are observable at every procedural stage, including the Dispute Resolution Council, the court of first instance, appeal, cassation, and retrial. In the Dispute Resolution Council, compliance with the rules governing cross-effects and issuance of suspension orders, when necessary, is mandatory. In first-instance civil proceedings, adjudication is stayed and a suspension order is issued where required by law. During criminal preliminary investigations conducted by law enforcement, a pending civil claim generally has no effect on the criminal process. At appeal, if the trial judgment disregarded a matter falling within another court’s jurisdiction, the judgment may be quashed and the case remitted for renewed proceedings. At cassation, the Supreme Court may quash and remit where a judgment failed to account for the effect of one claim upon another. At retrial, contradictions between a criminal judgment and a civil judgment—such as on ownership or filiation—can justify reopening; likewise, the discovery of new evidence after a final criminal judgment (for example, proof of the thief’s title or proof of paternity) may warrant retrial in light of the civil claim’s impact. Overall, the interaction of civil and criminal claims is a fundamental principle of procedure that the legislature has addressed in the procedural codes.

As to prevailing judicial practice concerning the reciprocal influence of criminal and civil claims, Iranian courts largely adopt a principle of precedence for criminal proceedings over related civil actions. This approach can be summarized along several axes.

The impact of criminal proceedings on civil actions typically results in suspension of the civil case. Where the subject matter of the civil dispute is directly connected to a pending criminal matter and the criminal judgment would be dispositive for the civil decision, the civil court stays proceedings until a final criminal judgment is rendered. The rationale is to avoid conflicting judgments. For example, in a fraud case, once the criminal court convicts for fraud, the civil court need not re-litigate the occurrence of fraud when adjudicating restitution; the final criminal ruling is binding for that purpose.

The influence of civil proceedings on criminal cases is more limited. Because of the public nature of criminal justice and the need to maintain public order, criminal proceedings are generally not stayed. A civil judgment may serve as evidence in a criminal case—for instance, a civil ruling declaring a document forged can be probative in a criminal forgery prosecution—yet the criminal court is not strictly bound and may independently assess the matter.

There are important exceptions and instances of non-deference. Where a civil claim is wholly independent—for example, an ejectment action that bears no necessary relation to a criminal harassment charge—the civil court proceeds without awaiting the criminal result. In offenses prosecutable only upon the victim’s complaint, withdrawal by the private complainant obliges the criminal court to terminate proceedings, but any independent civil action that remains is unaffected.

The resulting synthesis of case law reflects a one-way priority favoring criminal proceedings. Courts seek to prevent conflicts by suspending civil actions and by relying on the preclusive effect of final criminal determinations within related civil litigation.

Regarding the legislature’s approach to mutual influence, Iranian law adopts a system of relative separation while prioritizing truth-finding and the prevention of conflicting judgments. This orientation appears across several key statutes.

Under the Code of Civil Procedure, the civil court may suspend its proceedings where a criminal judgment would be outcome-determinative for the civil dispute. This reflects the legislature’s express acceptance of the civil forum’s deference to criminal adjudications in appropriate cases.

Under the Code of Criminal Procedure, a victim may join a civil damages claim to the criminal complaint, enabling consolidated adjudication and practical relief in a single forum. The criminal court may, where necessary to resolve the criminal charge, determine related civil issues such as ownership in a theft case. These features evidence a pragmatic, victim-supportive design and a grant of flexibility to the criminal bench to resolve the controversy comprehensively.

Under the Islamic Penal Code, the court may not impose criminal punishment unless the occurrence of the offense and its attribution to the accused are proven. This underscores the criminal court’s investigative independence: even if a civil judgment exists, the criminal court must form its own conviction based on criminal standards of proof.

In sum, the legislature’s approach is dual: on the one hand, it recognizes the priority and effect of criminal proceedings by allowing suspension of civil actions and acceptance of ancillary claims; on the other, it safeguards the criminal court’s independent truth-finding, preventing civil rulings from fully dictating criminal outcomes. The overarching aims are material truth and the avoidance of inconsistent judgments.

As to the contexts in which mutual influence arises, it occurs whenever a single event generates both a civil dispute (such as compensation) and a criminal prosecution (such as pursuit of the offender). The clearest examples are offenses against property—fraud, breach of trust, theft, and unlawful dispossession—where a criminal conviction powerfully supports civil recovery and restitution, while civil proof that the property belonged to the accused may negate theft or dispossession. In offenses against persons—assault, homicide, and insult—a final criminal judgment may suffice in the civil court to establish injury and quantification of *diyah*, while civil acts like the victim’s forgiveness can terminate prosecution in offenses dependent on complaint. In document-related crimes such as forgery, a criminal finding of falsity precludes civil reliance on the instrument, whereas a civil judgment invalidating an instrument can provide the impetus for filing a criminal forgery complaint. Family-law disputes with criminal aspects, such as non-maintenance (both a civil wife’s right and a criminal offense) or harassing phone calls, also illustrate these interdependencies.

Despite existing statutes, several legal gaps and ambiguities produce practical difficulties. The notion of a criminal judgment being “effective” in a civil decision is not crisply defined, generating divergent judicial interpretations and uneven practice on whether to suspend. The law does not clearly prescribe when a criminal court may or must suspend its proceedings due to a related civil action, leading criminal cases typically to proceed irrespective of the civil forum and risking inconsistent outcomes. Conflicts of judgments remain possible even with suspension mechanisms—for example, an acquittal for lack of criminal proof might coexist with civil liability based on different evidentiary standards, creating confusion and judicial strain. Suspension can prolong civil proceedings and impair the right to adjudication within a reasonable time, given the potential length of criminal cases. The scope of the criminal court’s authority to decide civil matters, while recognized, lacks precise boundaries and may invite incursions into the civil court’s jurisdiction.

Taken together, the Iranian legal system acknowledges this reciprocal relationship but the rules are not yet sufficiently clear or comprehensive. The principal deficit is the absence of a coherent, integrated framework to manage concurrent claims and forestall contradictory judgments—a shortfall that calls for statutory refinement and more uniform judicial guidance.

For the article “The Reciprocal Impact of Civil and Criminal Claims on Each Other,” by Alireza Rajabzadeh, Alireza Mazloun Rahni, and Mohammad-Sadeh Shojaei, and in light of the abstract, issues discussed, and the foregoing conclusion, the following solutions can be proposed to advance the article’s aims.

To address the challenges created by the reciprocal influence of civil and criminal claims, several practical measures can be proposed. First, the legislative framework should be refined and clarified. Ambiguities must be eliminated regarding the meaning and scope of the “effect” of judgments so that courts clearly understand when a final criminal decision is binding for civil proceedings. The law should also explicitly regulate when a criminal court must suspend its proceedings because of a complex or specialized civil matter, and conversely, when it may continue independently. The scope of the criminal court’s authority to decide related civil matters should be precisely defined to prevent jurisdictional overlap. Beyond piecemeal amendments, a comprehensive law could be adopted to govern the coordinated management of cases with intertwined civil and criminal elements, specifying procedures for information exchange, suspension, consolidation, and prioritization.

Judicial and structural improvements are also essential. Establishing specialized chambers in both civil and criminal courts to handle cases with mutual dependencies would allow experienced judges to address all dimensions efficiently, reduce delays, and avoid conflicting judgments. In particularly complex matters simultaneously pending in different courts, appointing a liaison or supervisory court could coordinate the process and prevent duplication. Higher courts should issue uniform guidelines to ensure consistency of practice, especially regarding when suspension is mandatory and how criminal rulings should influence civil adjudication. In parallel, better mechanisms for rapid and secure exchange of procedural information among courts would allow timely awareness of related proceedings and decisions.

Administrative and practical measures can complement these reforms. Continuous specialized training for judges on the interaction between civil and criminal claims, as well as for lawyers to plan litigation strategies and advise clients effectively, would promote faster and more coherent adjudication. Internal judicial guidelines could be updated to clarify how to track, archive, and reactivate cases placed on hold, preventing misplacement or excessive delay.

Finally, technological innovation should support these efforts. Developing an intelligent case-tracking system capable of automatically identifying related civil and criminal files, notifying relevant courts, monitoring key hearing dates, and issuing alerts would improve coordination and transparency. Together, these legislative, judicial, administrative, and technological reforms would reduce delays, minimize contradictory rulings, lower litigation costs, and increase both the efficiency and the perceived fairness of the judicial process.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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References

- Akhoundi, M. (2016). *Āyin Dādrasi-ye Keyfari (Criminal Procedure)* (Vol. 3). Majd Publications.
- Ansari, B. (2005). *Bāyestehā-ye Āyin Dādrasi-ye Keyfari (Essentials of Criminal Procedure)*. Mizan Publishing.
- Ashouri, M. (2000). *Āyin Dādrasi-ye Keyfari (Criminal Procedure)*. SAMT Publications.
- Bahrani, S. M. (2003). *Sharh-e Qanoun-e Āyin Dādrasi-ye Madani (Commentary on the Civil Procedure Law)*. Ganj-e Danesh Publications.
- Baqerpour, M. (2005). *Tahqighat-e Moghadamāti dar Āyin Dādrasi-ye Keyfari (Preliminary Investigations in Criminal Procedure)*. Javdaneh Publications.
- Beheshti, M., & Mardani, N. (2006). *Āyin Dādrasi-ye Madani dar Nazm-e Hoghooghi-ye Konouni (Civil Procedure in the Current Legal Order)*. Dadgostar Publishing.
- Dehkhoda, A. A. (1998). *Loghathnameh-ye Dehkhoda (Dehkhoda Dictionary)*. University of Tehran Press.
- Dezhkhah, S. M. (2003). *Shourā-ye Hall-e Ekhtelāf (The Dispute Resolution Council)*. Jangal Publications.
- Elahi Manesh, M. (2018). *Āyin Dādrasi-ye Madani (Civil Procedure)*. Mizan Publishing.

- Ghaffari, H. (2017). *Salāhiyyat-e Marāje'-e Qazā'i (Jurisdiction of Judicial Authorities)*. Majd Publications.
- Hosseini 'Āmeli, S. M. J. (1997). *Miftāh al-Karāmah fī Sharh Qawā'id al-'Allāmah (The Key to Nobility in the Commentary on the Rules of al-'Allāmah)* (Vol. 10). Islami Publications.
- Ja'fari Langaroudi, M. J. (2009). *Terminologi-ye Hoghough (Legal Terminology)*. Ganj-e Danesh Publications.
- Ja'fari Langaroudi, M. J. (2015). *Daneshname-ye Hoghoughi (Legal Encyclopedia)* (Vol. 3). Amir Kabir Publications.
- Karimi, A. (2011). *Farjāmkhāhi dar Nezām-e Qazā'i-ye Irān (Cassation in the Iranian Judicial System)*. Jangal Publications.
- Katouzian, N. (1997). *E'tebār-e Amr-e Qazāvat Shodeh (The Authority of Res Judicata)*. Dadgostar Publications.
- Khaleghi, A. (2021). *Āyin Dādrasi-ye Keyfari (Criminal Procedure)*. Danesh Shahr Legal Studies and Research Institute.
- Larguier, J. (1999). *E'ādeh Dādrasi dar Hoghoogh-e Farānseh (Judicial Review in French Law)*. Hoghooghdan Publishing.
- Mas'oudi, J. (2002). *Kashf-e Jorm va Tahqighat-e Moghadamāti (Crime Detection and Preliminary Investigations)*. SAMT Publications.
- Matin-Daftari, A. (1999). *Āyin Dādrasi-ye Madani va Keyfari (Civil and Criminal Procedure)*. Majd Publications.
- Mehra, N., & Mahmoudian, R. (2017). *Āyin Dādrasi-ye Keyfari (Criminal Procedure)*. Mizan Publications.
- Mirakmali, S. M., & Kazemi, H. (2013). *Rāhhā-ye Fowq al-'Ādeh-ye Shekāyat az Arā' (Extraordinary Avenues for Appealing Rulings)*. Dadgostar Publishing.
- Mirsalim, S. M. (1996). *Farhang-e Istilāhāt-e Mantiqi (Dictionary of Logical Terms)*. SAMT Publications.
- Moein, M. (2007). *Farhang-e Fārsi-ye Moein (Moein Persian Dictionary)*. Amir Kabir Publications.
- Moradian, M. *Tahqighat-e Moghadamāti (Preliminary Investigations)*. University of Tehran Publications.
- Mousavi, S. A. (2022). Barresi-ye Ta'sir-e Da'vā-ye Ibtāl-e Ra'y-e Dāvari dar Dādgāh-e Hoghooghi bar Ta'ligh-e Rasidegi-ye Keyfari (Investigating the Effect of a Lawsuit for Annulment of an Arbitration Award in a Civil Court on the Suspension of Criminal Proceedings). *Quarterly Journal of Legal Researches*, 21(1), 89-110.
- Mousavi, S. M. (2011). Kashf-e Jorm va Naqsh-e Zābetān (Crime Detection and the Role of Law Enforcement Agents). *Journal of Legal Researches*(55), 25-40.
- Mowloudi, H. (2017). *Salāhiyyat dar Qanoun-e Asāsi (Jurisdiction in the Constitution)*. Kharsandi Publications.
- Naji, H. (2016). *Mabāni-ye Āyin Dādrasi-ye Madani (Foundations of Civil Procedure)*. Jangal Publications.
- Pourmohammad, S. A. (2015). Qarār-e Ināteh dar Āyin Dādrasi-ye Madani va Keyfari (The Inātah Order in Civil and Criminal Procedure). *Judiciary Legal Journal*(82), 77-95.
- Rahmdel, M. (2017). *Hoghoogh-e Āyin Dādrasi-ye Madani (Law of Civil Procedure)*. Mizan Publishing.
- Sadrzadeh Afshar, S. M. (2003). *Āyin Dādrasi-ye Keyfari (Criminal Procedure)*. Academic Jihad Publications.
- Servat, A. (1991). Tahqighat-e Moghadamāti (Preliminary Investigations). *Journal of the Bar Association*(150), 5-15.
- Shams, A. (2003). *Āyin Dādrasi-ye Madani (Civil Procedure)* (Vol. 1). Drak Publications.
- Shams, A. (2020). *Āyin Dādrasi-ye Madani (Civil Procedure)* (Vol. 3). Drak Publishing.
- Vahedi, G. A. (2000). *Sharh-e Qanoun-e Āyin Dādrasi-ye Madani (Commentary on the Civil Procedure Law)*. Mizan Publications.