

# Barriers and Deficiencies of the Iranian Criminal Justice System in Providing Effective Protection for Private Complainants

1. Leyla Bakhtiari Asl<sup>✉</sup>: Master of Criminal Law and Criminology, University of Tabriz, Tabriz, Iran

2. Siamak Jafarzadeh<sup>✉</sup>: Associate Professor, Department of Islamic Jurisprudence and Law, Faculty of Literature and Humanities, Urmia University, Urmia, Iran

3. Reza Nikkhah<sup>✉</sup>: Associate Professor, Department of Islamic Jurisprudence and Law, Faculty of Literature and Humanities, Urmia University, Urmia, Iran

\*Correspondence: Leylabakhtiari6@gmail.com

## Abstract

In the Iranian criminal justice system, despite the recognition of certain rights for private complainants in recent legislation, a significant gap persists between legal protection and practical protection. The problem statement of this study focuses on the reality that private complainants, in pursuing their claims, encounter challenges such as prolonged proceedings, lack of accurate and timely information, imposed financial burdens, insufficient psychological and security support services, and administrative complexities; issues that reduce the efficiency of the criminal justice system and, in some cases, lead to secondary victimization. The main hypothesis is that the failure to provide effective protection for complainants is not due to a single deficiency, but rather the result of the overlap and interaction of a set of barriers at legislative, structural, cultural, and executive levels; such that reforming one dimension without addressing others cannot result in effective protection. The central research question is: what are the primary barriers and deficiencies of the criminal justice system in the process of supporting private complainants, and how do these barriers affect the quality and efficiency of judicial proceedings? The objective of this study is to provide a coherent analysis of the current situation and to explain the multi-layered factors that hinder the realization of genuine protection for complainants, thereby laying the groundwork for the development of scientific and policy-oriented solutions. The research method is analytical-descriptive and is based on library research, examination of laws, review of official documents, and analysis of criminological and victimological literature. The findings indicate that weak coordination among the components of the criminal justice system, the limited adoption of a victim-oriented approach, legal deficiencies in scope and enforcement guarantees, lack of electronic infrastructure, high case congestion, and the absence of specialized services for vulnerable complainants are among the most significant causes of the current inefficiency. Overall, the underlying cause of the present situation is primarily the absence of a coherent and integrated criminal policy toward complainants; therefore, achieving effective protection requires structural reform, strengthening of judicial technologies, and the promotion of a victim-oriented perspective within the criminal justice system.

**Keywords:** Private complainant, victim protection, criminal justice system, Iranian criminal procedure, victim-oriented approach, barriers to criminal proceedings, criminal policy.

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## 1. Introduction

The criminal justice system in any society can properly fulfill its mission as the guarantor of security, vindicator of rights, and maintainer of public order only when all actors involved in the adjudicative process enjoy their true status and the rights proportionate to their position. One of the most important of these actors is the private complainant: a person who, as a result of the commission of a crime, has suffered harm and, in order to obtain justice, is compelled to turn to the judicial system. Although classical theories of criminal justice primarily concentrated on the offender, the offender's conduct, and the state's response to crime, developments over recent decades have shown that ignoring the position of the private complainant and the victim not only empties justice of its substance, but also affects the efficiency of the criminal justice system itself. Global experience likewise confirms that attention to the rights and needs of the person harmed by crime increases public trust in the justice system and encourages more active citizen participation in reporting and combating criminality.

In Iran, despite the recognition of certain protective mechanisms in scattered legislation—such as the possibility of claiming damages, the right to lodge a complaint and seek prosecution, the right to object to judgments, and certain measures incorporated into the criminal procedure laws—numerous citizen complaints and legal and criminological studies still show that private complainants face many challenges in dealing with the criminal justice system. These challenges are such that, in many cases, the private complainant not only fails to gain a constructive and hopeful experience from the adjudicative process, but the complaint process itself becomes an additional source of suffering; a condition that criminological literature describes as secondary victimization. Protracted proceedings, lack of awareness of one's rights, absence of psychological support, insufficient access to counsel or consultation, disregard for the complainant's demands, and the unprofessional conduct of some law enforcement officers or administrative personnel are only part of the problems that lead to the frustration of private complainants and reduce their willingness to pursue their legal rights.

Moreover, Iran's legislative structure in the area of support for private complainants is neither coherent nor comprehensive. There is no specific and integrated law that directly addresses the rights of and necessary protections for private complainants and victims. Existing laws are largely fragmented and do not provide a single, precise definition of effective protection. As a result, there is neither a clear standard for assessing the performance of the criminal justice system in this field nor binding mechanisms to guarantee observance of a minimum level of complainants' rights. On the other hand, part of the barriers is rooted in the cultural and attitudinal structure of the criminal justice system itself, in the sense that a traditional, defendant-centered outlook dominates many processes, and the defendant is still regarded as the principal focus of judicial attention, while the private complainant remains at the margins of the proceedings. Although this is necessary and valuable in safeguarding the defendant's due process rights, in practice it has led to neglect of the complainant's legal and human status and has created a form of imbalance within the criminal justice system.

In light of these challenges, the need to reconsider Iran's criminal policy and redefine the role and rights of the private complainant is more pressing than ever. A criminal justice system will be efficient, humane, and just only when it views the private complainant not as a secondary element, but as one of the principal pillars of the adjudicative process. The main purpose of this study is to provide an in-depth and scholarly analysis of the barriers and deficiencies that prevent the realization of effective support for private complainants in Iran's criminal justice system, ranging from legal and institutional problems to procedural, executive, and cultural obstacles. Identifying these weaknesses not through a purely critical approach, but through a reform-oriented perspective grounded in comparative legal standards, can pave the way for proposing solutions to improve criminal justice and reduce existing inefficiencies.

Examining this issue is not merely a theoretical discussion; it is directly related to the lived experience of thousands of citizens who enter the justice system in the hope of vindicating their rights. If the criminal justice system cannot support them or at least lighten part of their burden, not only will the objective of criminal justice remain unfulfilled, but public trust in the judiciary will also be damaged. For this reason, the present study seeks, through a scholarly analysis of the existing situation,

to provide a basis for structural reform and for strengthening support for private complainants as the most entitled actor in the criminal adjudicative process.

## 2. Theoretical and Conceptual Foundations of Support for Private Complainants

### 2.1. *The Concept of the Private Complainant and Its Distinction from the Victim and the Private Claimant*

Within the framework of Iranian criminal law, although the terms “private complainant,” “victim,” and “private claimant” are sometimes used interchangeably, close attention to theoretical foundations and positive law shows that these concepts carry different legal implications. The concept of the victim, in modern criminological and criminal law literature, constitutes the broadest conceptual umbrella and refers to any person who, directly or indirectly, as a consequence of the commission of a crime, suffers physical, psychological, economic harm, or a violation of fundamental rights, regardless of whether that person has filed a complaint before the judicial authorities (Najafi Abrandabadi, 2019). In reality, victimization is a “factual condition” and the result of criminal conduct, rather than necessarily a “legal condition” dependent upon procedural formalities. By contrast, the “private complainant” is a purely procedural concept. Under Article 10 of Iran’s Criminal Procedure Code, a complainant is a person who has been harmed by the occurrence of a crime and who submits a complaint to the judicial authority for the prosecution of the accused (Khaleghi, 2023). In other words, a complainant is that victim who, by entering the formal judicial process, expresses a will to pursue criminal prosecution; thus, every private complainant is certainly a victim, but not every victim necessarily assumes the position of a private complainant (Ashworth, 2015).

This distinction becomes even more significant when attention is paid to the concept of the “private claimant.” Although in Iran’s legal system, following the Revolution and after the temporary abolition of prosecutors’ offices, efforts were made to merge the concept of the private claimant in such a way that the complainant could simultaneously seek civil damages, a precise analysis shows that the “private claimant” refers to the position of a person who is solely seeking compensation for financial loss or restoration to the prior condition, without necessarily pursuing the criminal punishment of the accused. Whereas the private complainant seeks the establishment of criminal justice and the imposition of punishment on the offender, the private claimant emphasizes the civil-legal character of the claim. In advanced legal systems that benefit from restorative justice, this distinction is much more precise, so that a victim may receive supportive services even without wishing to pursue criminal prosecution; however, in the Iranian system, legal protections are often tied to the status of the “complainant” (Sanaei, 2016). This dependency of state support on the filing of a complaint prevents vulnerable victims who, for any reason, refrain from filing a complaint—whether from fear of retaliation, litigation costs, or distrust—from being taken into account in criminal policy (Mawby & Walklate, 2013).

Furthermore, in Iranian judicial practice, the private complainant occupies the position of a person who sets the machinery of criminal justice in motion by “reporting the crime.” If the offense is non-compoundable, prosecution of the accused does not cease even if the complainant withdraws the complaint; however, in such circumstances, the complainant still retains the position of the principal source of proof and the key witness to the criminal incident, a position that grants certain evidentiary tools under statutory texts, such as the right to express views during the investigation, although these tools in practice face serious structural obstacles (Ashouri, 2022). Accordingly, the distinction between the victim (as the sufferer of the event) and the private complainant (as the actor in the process) reflects a gap that Iran’s criminal policy should fill by extending the umbrella of support to all victims, whether complainants or non-complainants alike. This requires that protection of the harmed individual’s rights be freed from the formal requirement of “being a complainant” and regarded as a duty of the state toward every victimized citizen (Zedner, 2004).

### 2.2. *The Position of the Private Complainant in the Criminal Process*

The position of the private complainant in Iran’s criminal process is, on the one hand, influenced by jurisprudential traditions based on private rights, and, on the other hand, has undergone fundamental transformations in the effort to conform to modern standards of criminal adjudication. In Iran’s criminal justice system, the private complainant is recognized not merely as a tool for proving the offense, but as the driving force behind many criminal cases, manifesting his or her will at different layers of

prosecution, investigation, and trial by filing a complaint. Pursuant to Article 10 of the Criminal Procedure Code of 2013, a complainant is a person harmed by the commission of a crime who files a complaint for the prosecution of the accused; although this definition appears simple, it forms the basis of the complainant's presence throughout all stages of the proceedings, such that during the preliminary investigation, by appearing before the prosecutor's office, the complainant may respond to summonses, expert opinions, and even the prosecutor's final order, and may exercise legal rights in pursuing the case (Khaleghi, 2023).

In fact, by moving beyond the traditional state-centered approach in which crime was seen solely as a violation of public order, Iran's criminal system has moved toward strengthening a victim-oriented approach in criminal proceedings, although this trend still faces serious structural challenges. The position of the private complainant in Iranian criminal proceedings is manifested not only in the presentation of evidence of crime, but also in the realization of restorative justice, insofar as a number of legal institutions, such as settlement and reconciliation in prosecutors' offices, seek—by placing the complainant at the center—to focus on compensation and restoration of the harmed relationship rather than on punishment alone (Ashouri, 2022). This position is particularly important at the preliminary investigation stage because of the complainant's access to judicial officers and the investigating judge, since the complainant, as the “eyes and ears” of justice in the discovery of truth, can guide the investigation by presenting evidence and indicia. Even in cases where the crime has a substantial public dimension and the complainant's will may be limited in terms of continuing the prosecution, the complainant's right to seek compensation for damage resulting from the crime as a private claimant remains intact (Jafari-Tabar, 2020).

Nevertheless, critical analyses show that the position of the private complainant in Iran is confronted with a paradox: while the law grants rights of active participation, judicial practice and failures of timely information-sharing have caused complainants in practice to be reduced from the status of “active participant” to that of a “spectator of the process” (Garland, 2001). This is so despite the fact that international human rights instruments place particular emphasis on the complainant's right to be informed of the status of the case, the right to counsel, and the right to participate in judicial decision-making (Erez, 2015). In Iran, although the complainant has the right to object to decisions not to prosecute or to terminate proceedings, which reflects the complainant's supervisory power over prosecutorial decisions, the absence of effective financial and psychological support often causes many complainants to lose the ability to continue pursuing their cases over the course of lengthy proceedings (Shamloo, 2021). This situation transforms the position of the private complainant from a pillar of justice-seeking into a “victim entangled in administrative bureaucracy,” one who must bear heavy costs, including time, attorneys' fees, and psychological pressure, in order to vindicate his or her rights. Therefore, the complainant's position in Iran faces serious deficiencies not so much in the text of the law as in the “implementation of the law,” deficiencies that require reconsideration of institutional structures in order to strengthen the practical realization of the complainant's rights (Ashworth & Zedner, 2014).

### 2.3. *The Concept of Effective Protection in Criminal Justice*

The concept of “effective protection in criminal justice” is one of the most important indicators of advanced criminal justice systems in the world, because modern criminal justice is not focused solely on prosecuting and punishing the offender, but also gives special attention to the need to support, empower, and restore the victim as one of the principal pillars of the adjudicative process. Today, this approach has moved beyond the framework of merely formal protection and pursues foundational functions in psychological, social, economic, and legal dimensions. On this basis, effective protection in criminal justice is a form of organic interaction among criminal policy, adjudicative mechanisms, support institutions, and legislation, aimed at reducing the secondary harms of crime, guaranteeing the human dignity of the victim, and providing the conditions for meaningful participation in the justice process (Zedner, 2004).

International instruments repeatedly emphasize that effective protection requires the preparation and implementation of comprehensive measures—from clear and timely information to counseling, physical and psychological protection, and the granting of a right to compensation—for victims and even witnesses. The United Nations declaration obliges states to ensure victims' free and effective access to justice processes, to protect their rights at all stages, and to provide special mechanisms

for compensation (United Nations Office on Drugs and Crime, 1985). By moving beyond the traditional judge-centered perspective in which the conflict was between offender and state, this approach transforms criminal justice into a setting for restoring the dignity of the victim and reducing secondary suffering—suffering that may often, because of lack of information, disrespectful treatment, or protracted proceedings, become even more severe than the original crime itself (Rock, 2005).

In Iran’s criminal system, although recent laws, including the Criminal Procedure Code of 2013, have taken important steps toward strengthening victim protection by recognizing rights such as access to counsel, the right to be informed of the proceedings, the possibility of claiming damages, and legal consultation, from a comparative perspective there remains a considerable distance to the full realization of effective protection; this is because most legal protections remain confined to the domain of procedural rights, while the enforcement guarantees and institutions necessary for implementing those rights are either insufficient or altogether lacking in a systematic manner (Khaleghi, 2023). More importantly, the absence of specialized support centers such as dedicated victim counseling centers, economic and psychological support services, advanced information networks, and even training for judges and law enforcement officers means that many victim rights remain abstract and theoretical and that their implementation encounters structural barriers (Najafi Abrandabadi, 2019). This structural weakness has been widely criticized by scholars and demonstrates that “effective protection” can be realized only through intelligent criminal policy, strengthened specialized training in criminal proceedings, and the commitment of executive institutions (Erez, 2015).

An examination of the experience of societies that are pioneers in implementing effective protection makes clear that realization of such protection depends on the establishment of independent and specialized institutions such as legal offices for victims, rapid compensation bodies, free counseling centers, and the active participation of non-governmental organizations in psychological and social support (Mawby & Walklate, 2013). Moreover, these countries have sought to design systems of information and victim accompaniment in such a way that the victim, throughout all stages of the proceedings, not only becomes aware of his or her rights but is also able to benefit from operational services in the areas of financial, psychological, and security support (Braithwaite, 2002). Unfortunately, in Iran, despite the assignment of certain responsibilities to the State Welfare Organization and prisoner support associations, specialized and structured victim support has remained largely limited to informal family or social support, or has appeared only in sporadic implementation projects (Khaleghi, 2023).

The reality is that so long as an effective support policy is not implemented comprehensively and on the basis of a multidimensional approach, and so long as judges, law enforcement officers, and support institutions do not receive sufficient training to identify and respond to the real and urgent needs of victims, secondary suffering and the harms resulting from the adjudicative process will continue. This not only endangers society’s trust in criminal justice, but also exposes the victim to secondary social harms and intensified isolation (Zedner, 2004). Comparative analyses show that the only path to effective protection is an organic connection among efficient legislation, specialized training, enhancement of social capital and institution-building, as well as external oversight and supervision of the performance of criminal justice institutions (Ashworth & Zedner, 2014). From this perspective, Iran’s criminal system is required to reconsider its legislative and executive structures and to adopt a purposeful approach to victim protection grounded in both international and indigenous experience; the fulfillment of this duty is a prerequisite for meaningful criminal justice that safeguards human dignity in contemporary society.

### **3. The Position of Support for Private Complainants in Contemporary Iranian Criminal Policy**

In contemporary Iranian criminal policy, the position of support for private complainants is gradually moving from a limited and traditional approach toward a broader, victim-oriented one. In classical criminal systems, the primary focus was on prosecuting and punishing the offender, while the victim or private complainant was generally placed at the margins of the adjudicative process, such that his or her role was seen mainly as a source of information about the occurrence of the crime or as a witness for proving it. However, with the evolution of criminological thought and the expansion of victimological studies, attention to the status of the victim and the private complainant became one of the pillars of criminal policy. Within this framework, contemporary Iranian criminal policy, under the influence of these developments, has likewise attempted to

strengthen the position of private complainants in the criminal process through legal reform and the creation of certain supportive mechanisms (Najafi Abrandabadi, 2019).

In Iran's legal system, one of the most important manifestations of this transformation is visible in the Criminal Procedure Code of 2013. By emphasizing the rights of victims and private complainants, this law has recognized some of their fundamental rights, including the right to be informed about the course of proceedings, the right to access counsel, the right to object to prosecutorial and judicial decisions, and the possibility of claiming damages resulting from crime. These developments show that the Iranian legislator has gradually moved away from a purely state-centered approach and has attempted, by strengthening the role of the private complainant, to create a greater balance among the interests of society, the state, and the victim (Khaleghi, 2023). Nevertheless, many scholars believe that these changes have remained at the legislative level and have encountered numerous challenges in practice, especially because the institutional infrastructure necessary for full realization of these rights has not yet been completely established.

From the perspective of criminal policy, supporting private complainants does not merely mean recognizing certain procedural rights in legislation; rather, it requires the creation of a package of supportive, educational, and institutional measures capable of protecting victims both from the harms caused by crime and from the secondary harms resulting from the adjudicative process itself. In many cases, private complainants, after filing their complaints, face numerous problems, including the complexity of judicial formalities, the lengthy nature of proceedings, litigation costs, and the psychological pressures associated with appearing in court. These issues may lead the complainant to abandon the case or to develop feelings of distrust toward the criminal justice system (MirMohammad Sadeghi, 2017). Therefore, one of the important objectives of contemporary criminal policy is to reduce these barriers and create conditions in which the complainant can participate in the adjudicative process with greater confidence and security.

In recent years, attention to the victim and the private complainant has also increased in Iranian legal and criminological literature. Many studies stress that the private complainant is not only one of the principal stakeholders in the criminal process, but also plays an important role in discovering the truth and realizing justice. For this reason, an effective criminal policy must, on the one hand, protect the rights and interests of the complainant and, on the other hand, provide mechanisms for compensation and for the repair of harms suffered (Ardabili, 2020). In this regard, certain legal institutions such as compromise and criminal mediation have also attracted attention as tools for strengthening the role of the victim and the private complainant. By emphasizing dialogue and compensation, these institutions can help reduce social tensions and rebuild damaged relationships while also satisfying the complainant (Ashouri, 2022).

Despite these developments, it must be acknowledged that Iranian criminal policy still faces significant challenges in achieving effective support for private complainants. One of the most important of these challenges is the absence of specialized institutions for victim support. In many countries, special organizations and centers have been established to provide counseling, psychological, and legal services to victims, whereas in Iran such institutions have not yet emerged in a systematic and comprehensive form. In addition, the lack of specialized training for law enforcement officers and judges regarding the proper treatment of victims can intensify the psychological and social harms suffered by complainants (Najafi Abrandabadi, 2019). For this reason, many commentators believe that reform of criminal policy in this field must go beyond amending legislation and also address the creation of institutional infrastructure, the development of support services, and the strengthening of society's legal culture.

The position of support for private complainants in contemporary Iranian criminal policy is thus undergoing transformation and expansion. By recognizing certain rights and support mechanisms, the legislator has taken steps toward strengthening the complainant's role in the criminal process; however, full realization of these objectives requires structural reform and the strengthening of support institutions. Only if criminal policy can strike a balance among effective crime prosecution, genuine support for victims, and preservation of the defendant's rights can it be expected that the criminal justice system will fully serve the realization of justice and the strengthening of public trust (Khaleghi, 2023).

### 3.1. *The Approach of Restorative Justice and Supportive Justice*

In contemporary Iranian criminal policy, attention to the position of private complainants and victims of crime is gradually moving from a marginal and limited perspective toward an active and supportive approach. In the traditional model of criminal justice, which until recent decades prevailed in many legal systems, including Iran, crime was mainly understood as a violation of public order and an affront to state authority. Within such a framework, the state was the principal actor in prosecution and punishment, and the victim or private complainant primarily played an instrumental role in proving the offense and assisting in the discovery of truth. In other words, within this state-centered outlook, the central axis of the criminal process was the “offender” and the “state’s response to crime,” not the “harm suffered by the victim.” This approach caused the real needs of crime victims—such as compensation, psychological and social support, and active participation in proceedings—to receive less attention (Najafi Abrandabadi, 2019). With the expansion of victimological studies in the second half of the twentieth century and the emergence of new perspectives in criminology, the outlook of criminal justice systems toward victims underwent transformation. Victimology, by emphasizing the study of the condition of crime victims and the individual and social effects of crime upon them, showed that neglect of victims can lead to a phenomenon known as secondary victimization, in which the victim is harmed again during judicial proceedings or through the improper conduct of official institutions. These intellectual developments gradually led national criminal policies toward a victim-oriented approach, one in which the rights, needs, and dignity of the victim are treated as one of the principal elements of criminal justice (Ardabili, 2020). In Iran as well, although this transformation has occurred gradually and with some delay compared with certain other legal systems, signs of it can be seen in the legislative and theoretical developments of recent decades.

One of the most important manifestations of this transformation in Iran’s legal system was the enactment of the Criminal Procedure Code of 2013. Compared with earlier legislation, this law has given greater attention to the rights of victims and private complainants and has recognized certain support mechanisms. For example, the right to be informed about the progress of proceedings, the right to object to certain prosecutorial decisions, the possibility of using counsel, and the possibility of claiming damages arising from the crime during the criminal proceedings are among the rights recognized for private complainants. These rights indicate that the legislator has attempted to elevate the complainant’s role from a passive one to an active one within the criminal justice process (Khaleghi, 2023). Nevertheless, many jurists believe that the actual realization of these rights requires the creation of appropriate executive and institutional infrastructures, because merely recognizing rights in legislation without providing the practical conditions for their implementation cannot result in real support for victims.

Within this framework, one of the approaches that has attracted the attention of criminal law scholars in recent years is the restorative justice approach. Unlike traditional criminal justice, whose main focus is the punishment of the offender, restorative justice emphasizes repairing the harms caused by crime and rebuilding social relationships. Under this approach, the victim is not merely a witness or a simple complainant, but one of the principal actors in the justice process and is given the opportunity to participate actively in the proceedings and to articulate his or her needs. Restorative justice seeks, through mechanisms such as mediation, victim-offender dialogue, and compensation, to create a setting in which the harms inflicted on the victim can be repaired and the offender can accept responsibility for his or her conduct (Najafi Abrandabadi, 2019). In reality, this approach seeks to move justice beyond a purely punitive framework and transform it into a restorative and humane process.

In Iran’s legal system as well, certain institutions and mechanisms indirectly correspond to the objectives of restorative justice. For example, reconciliation, mediation in compoundable offenses, and efforts to compensate the victim are among the tools that can be analyzed within the framework of restorative justice. The Criminal Procedure Code of 2013, by recognizing the possibility of referring certain cases to mediation, took a step toward the use of this approach. Nevertheless, many scholars believe that the full implementation of restorative justice in Iran still faces cultural, legal, and institutional challenges and requires the development of appropriate legal and educational frameworks (Ashouri, 2022).

Alongside restorative justice, the concept of “supportive justice” has also attracted attention in recent years. Supportive justice is based on the idea that the criminal justice system, in addition to addressing crime and punishing the offender, must provide mechanisms for comprehensive support of victims. Such support may include legal, psychological, social, and economic assistance. For example, providing counseling services to victims, protecting them against threats and possible pressures, assisting in compensation for financial losses, and ensuring easy access to information relating to the case are among

the supportive measures contemplated under this perspective (MirMohammad Sadeghi, 2017). In many countries, specialized institutions have been established to support victims, and their function is to provide various services to crime victims; however, in Iran such institutions have not yet developed in a widespread and organized manner.

Despite these challenges, the trend of developments in Iranian criminal policy indicates that attention to victims and private complainants is increasing. The expansion of criminological research in the field of victimology, the legislator's growing attention to victims' rights, and the emergence of concepts such as restorative justice and supportive justice in legal literature all show that Iranian criminal policy is in transition from a state-centered approach toward a victim-oriented one. Nevertheless, full realization of this transformation requires broader reforms at the levels of legislation, training of judges and law enforcement officers, creation of specialized victim-support institutions, and increased public awareness of the rights of crime victims. Only under such conditions can private complainants be expected to attain a real and effective position within the criminal justice system, and criminal justice to serve simultaneously the interests of society, the rights of the defendant, and the needs of the victim (Khaleghi, 2023).

### 3.2. *The Transition from a State-Centered Outlook to a Victim-Oriented Outlook*

The transformation of Iranian criminal policy in recent decades reflects a fundamental paradigmatic shift through which the position of the private complainant has been elevated from a marginal and instrumental element to an active, rights-bearing pillar of the adjudicative process. In traditional models and state-centered perspectives rooted in classical legal thought, crime was essentially viewed as an offense against "public order" and "state authority." Within this structure, the state acted as the sole claimant and custodian of the response to the offender, while the private complainant or victim merely served the judicial apparatus as a witness or a source of information about the occurrence of the crime. In fact, under this paradigm, the victim's individual rights faded in the shadow of public expediency and the necessity of punishing the offender, and the criminal justice system focused less on repairing the harms suffered by the victim than on proving fault and imposing punishment (Ardabili, 2020). This approach led to neglect of the psychological, economic, and social needs of complainants, and in many cases the rigid and complex adjudicative process itself became a factor of secondary victimization.

With the emergence and expansion of victimology in Iranian legal literature and under the influence of international developments, the view gained strength that the victim is not a peripheral element but rather the principal and legitimate stakeholder in the criminal process. The transition from a state-centered perspective to a victim-oriented one in Iran took tangible form in legal texts with the enactment of the Criminal Procedure Code of 2013. Ali Khaleghi emphasizes in his analyses that this law, by recognizing fundamental rights such as the right to security, the right to receive information about the progress of the case, the right of access to counsel at all stages, and the right to active participation in the adjudicative process, has brought the complainant from the margins into the center of the proceedings (Khaleghi, 2023). In reality, contemporary Iranian criminal policy has attempted, by recognizing the complainant's autonomy in compoundable offenses and even strengthening the complainant's role in non-compoundable offenses, to establish a balance between public interests and individual rights. This new approach redefines the state not as the sole owner of the criminal action, but as the guarantor and facilitator of the victim's vindication of rights.

In the victim-oriented perspective, the focus shifts from the "mere punishment of the offender" to the "repair of the victim's harm." Najafi Abrandabadi argues that under the influence of modern criminological approaches, Iranian criminal policy seeks to reduce the human costs of crime; this requires that the judicial system, in addition to punishment, also pursue compensation for the complainant's moral and psychological damages (Najafi Abrandabadi, 2019). This transformation is well reflected in legal provisions that refer to support for vulnerable victims, such as children and women, and that emphasize the necessity of protecting privacy and avoiding harmful face-to-face confrontation. Likewise, granting the complainant the right to object to decisions not to prosecute or to terminate prosecution demonstrates recognition of the complainant's supervisory authority over prosecutorial decisions, authority that had previously been entirely monopolized by the prosecutor, with the complainant enjoying very limited influence over it (Ashouri, 2022).

Nevertheless, despite these theoretical and legislative advances, the full transition to a victim-oriented criminal policy in Iran continues to face serious structural and cultural challenges. MirMohammad Sadeghi points out that the judicial culture

prevailing in many courts remains heavily influenced by a traditional, defendant-centered outlook. Within this perspective, the complainant is often viewed as a person seeking personal revenge rather than as an individual whose fundamental rights have been violated first by the offender and then by the social structure itself (MirMohammad Sadeghi, 2017). In addition, the absence of independent support institutions, free counseling centers, and state compensation systems for victims in cases where the offender lacks financial ability has caused many of the legal protections that have been recognized to assume a largely formalistic character in practice. Academic studies and related theses likewise emphasize that in order to realize this transition in a meaningful way, there is a need to establish a “specialized victim police” and to strengthen specialized mediation institutions so as to reduce the structural pressure placed upon complainants (Mahdavi, 2019).

Contemporary Iranian criminal policy is on a path in which the victim is no longer merely an “instrument of proof,” but is instead recognized as a “rights-bearing subject.” This trajectory, which is moving from state-centered punitive justice toward restorative and supportive victim-oriented justice, requires reconsideration of judicial and executive training. The ultimate goal of this transition is to reach a condition in which the private complainant not only obtains his or her legal entitlement, namely compensation, but also feels at the end of the criminal process that his or her human dignity has been restored and that the criminal justice system has stood beside, rather than ignored, his or her suffering. Such a transformation will guarantee greater public trust in the judiciary and a reduction in repeated victimization within society (Khaleghi, 2023).

#### 4. Barriers and Deficiencies of Iran’s Criminal Justice System

##### 4.1. Structural and Institutional Barriers

One of the most important challenges facing Iran’s criminal justice system in providing effective support for private complainants is the existence of structural and institutional barriers within the criminal adjudicative process. The historical structure of Iran’s criminal justice system, like that of many legal systems influenced by classical criminal law, has been formed around the centrality of the state in the prosecution and punishment of crime. Within such a structure, crime is essentially regarded as an offense against public order, and the state, acting through the prosecutor, is recognized as the representative of society responsible for pursuing the offender. Although this approach is necessary for the preservation of public order, in practice it has caused the position of the private complainant and the complainant’s real needs to be marginalized at many stages of the proceedings. Many criminal law scholars believe that the existing structure is oriented more toward the efficiency of prosecution and proof of crime than toward supportive and compensatory dimensions for victims (Khaleghi, 2023).

From an institutional perspective as well, it must be noted that specialized institutions for victim support do not exist in Iran’s criminal justice system in a coherent and organized form. In many countries, independent organizations or centers have been established to provide supportive services to crime victims, including legal counseling, psychological support, guidance through the adjudicative process, and even financial assistance. By contrast, in Iran such services are mostly provided in a fragmented and limited manner, and the main burden of dealing with the system is placed on the complainant personally. This situation causes many victims to refrain from pursuing their rights because of the complexity of the judicial system, litigation costs, and a lack of legal awareness (Najafi Abrandabadi, 2019).

##### 4.1.1. The Concentration of the Criminal Process on the Defendant and Neglect of the Complainant’s Rights

One of the traditional features of criminal justice systems is their broad concentration on the rights of the defendant. This concentration has, in principle, been necessary in order to prevent human rights violations and unjust convictions, but in many instances it has resulted in the victim’s rights being overshadowed by those of the defendant. In Iran’s legal system as well, many fair trial guarantees are designed primarily to protect the defendant, while the rights of the private complainant have received less independent attention. For example, at the preliminary investigation stage, the primary focus is on gathering evidence against the defendant and verifying the accusation, and the complainant’s role is largely limited to filing the complaint and making statements (Ashouri, 2022).

This concentration means that in some cases the complainant’s basic needs—such as being informed about the progress of the case, participating in important decisions, or even being notified properly of the hearing date—are not adequately met. As

a result, the complainant may feel that the criminal justice system is more concerned with determining the fate of the defendant than with repairing the harms that the complainant has suffered. This issue can reduce public trust in the judicial system and reinforce feelings of injustice among crime victims (Ardabili, 2020).

#### 4.1.2. *The Absence of an Independent Institution for the Support of Victims and Private Complainants*

Another major deficiency in the structure of Iran's criminal justice system is the absence of an independent and specialized institution for the support of victims and private complainants. In many advanced legal systems, organizations referred to as "victim support offices" or "crime victim services agencies" operate to provide supportive, psychological, and legal services to victims. These institutions play an important role in reducing the emotional pressures caused by judicial proceedings and increasing victims' capacity to pursue their rights (United Nations Office on Drugs and Crime, 2015).

In Iran, although some limited measures have been taken, such as the establishment of counseling units in courthouses or activities by institutions such as the State Welfare Organization in support of certain vulnerable groups, a coherent and comprehensive national victim support system has still not been established. The absence of such an institution means that victims, when confronting the judicial system, face numerous problems, including lack of knowledge of their rights, psychological pressure caused by attendance in court, and difficulty in following their cases (MirMohammad Sadeghi, 2017).

#### 4.1.3. *Weakness in Legal Aid Services and Free Legal Counseling*

Access to appropriate legal services is one of the essential preconditions for the realization of criminal justice. In many cases, private complainants are unable to defend their rights effectively because they are unfamiliar with the law and the complexities of the judicial system. Under such circumstances, the provision of legal aid services and free legal counseling can play an important role in supporting them. However, within Iran's criminal justice system, these services are still not provided in a broad and effective manner (Khaleghi, 2023).

Although institutions such as bar associations and the judiciary's attorneys' center provide legal aid services in certain cases, these services are generally limited, and many complainants do not benefit from them because they are unaware of their existence or because the process for requesting them is complex. In addition, the absence of an organized system for providing initial legal advice during the early stages of filing a complaint causes many complainants to encounter legal and procedural difficulties from the very beginning in drafting the complaint or following the case (Ashouri, 2022).

#### 4.2. *Legal and Juridical Barriers*

In addition to structural barriers, certain deficiencies in the legal framework also hinder the realization of effective support for private complainants in Iran's criminal justice system. Although Iran's criminal laws have, in some instances, paid attention to victims' rights, these protections are often fragmented and uncoordinated and lack a comprehensive and systematic framework. This fragmentation makes the practical implementation of these rights difficult and prevents complainants from effectively benefiting from legal protections (Najafi Abrandabadi, 2019).

##### 4.2.1. *The Fragmentation of Protective Rules and the Absence of a Comprehensive Law on Support for Private Complainants*

One of the most important legal problems in this area is the absence of a comprehensive and integrated law for the protection of victims and private complainants. At present, some victim rights are scattered across different laws, including the Criminal Procedure Code, the Islamic Penal Code, and certain special regulations. This fragmentation causes both complainants and even some law enforcement and judicial actors to lack full awareness of all the rights and protections that have been provided (Khaleghi, 2023). In many countries, special statutes entitled "victim protection law" or similar have been enacted to provide crime victims with a coherent set of rights and protections. The absence of such a law in Iran constitutes one of the major gaps in the legal system in the field of victim support (Ashworth, 2015).

#### 4.2.2. *Weakness in the Legal Recognition of Rights Such as Information, Active Participation in Proceedings, and Compensation*

Another legal deficiency is the inadequate recognition of certain fundamental victim rights. Although the Criminal Procedure Code of 2013 recognizes some rights, such as the right to object to a decision not to prosecute and the possibility of claiming damages, these rights have not yet been designed in a complete and effective manner. For example, there are no clear mechanisms for continuous information-sharing with the complainant regarding the progress of the proceedings, and in many cases the complainant is forced personally to visit judicial authorities in order to learn about the status of the case (Ashouri, 2022).

Likewise, in the area of compensation, Iran's legal system faces important limitations. In many instances, if the offender lacks the financial ability to compensate for the damage, the victim remains effectively uncompensated, whereas in some countries state compensation funds have been created to support victims (MirMohammad Sadeghi, 2017).

#### 4.2.3. *Limitations on the Right to Object, Appeal, and Access Case Information*

Another legal challenge is the existence of limitations on complainants' access to case information and on their ability to object to judicial decisions. Although the Criminal Procedure Code recognizes the complainant's right to object in certain instances, the scope of these rights is more limited than that of the defendant's rights. For example, with respect to some important decisions, including certain orders issued during the preliminary investigation stage, the complainant has no effective possibility of objection or is not fully informed of the course of the proceedings (Khaleghi, 2023).

#### 4.3. *Executive and Technical Barriers*

Alongside structural challenges and legislative deficiencies, a significant part of the problems relating to effective support for private complainants in Iran's criminal justice system becomes manifest in the area of implementation and technical infrastructure. Even where the legislature has recognized certain rights and entitlements for complainants, the absence of effective executive mechanisms and the weakness of administrative and technological facilities mean that these rights are not fully realized in practice. In fact, the distance between "law in the books" and "law in action" is one of the most important issues in Iran's criminal justice system. This gap becomes even more apparent when victims or private complainants, in following their cases, are forced to face complex administrative processes, repeated visits, and long waiting times. Under such circumstances, the criminal justice system, instead of functioning as a mechanism for repairing the harm suffered by the complainant, sometimes itself becomes a source of psychological and economic pressure (Khaleghi, 2023).

From a criminological perspective, executive inefficiency in supporting victims may lead to a phenomenon known as secondary victimization. Secondary victimization occurs when a person, after suffering the primary harm caused by the crime, also experiences new pressures and harms in the course of interacting with the formal institutions of criminal justice. Lengthy proceedings, lack of information regarding the status of the case, absence of psychological and security support, and administrative complexity are among the factors that can create such an experience for complainants (Najafi Abrandabadi, 2019). Consequently, examining executive and technical barriers is of fundamental importance not only from the viewpoint of judicial efficiency, but also from the perspective of protecting the human dignity of victims.

##### 4.3.1. *Protracted Proceedings*

One of the most important and most well-known executive challenges in Iran's judicial system is protracted proceedings, the effects of which directly influence the condition of private complainants. Protracted proceedings refer to the abnormal lengthening of the adjudicative process in such a way that the time between the filing of the complaint and the issuance of a final judgment increases significantly. This problem may arise from various factors, including case congestion, insufficient human resources within the judiciary, the complexity of procedural formalities, and weak case management (Ashouri, 2022). For private complainants, the prolongation of proceedings has multiple consequences. The first is increased psychological pressure resulting from continued entanglement with the case. A victim who expects the criminal justice system to address the

complaint within a reasonable period may, upon seeing the process prolonged, develop feelings of hopelessness and distrust toward the judicial system. This situation is particularly damaging in crimes with severe psychological effects, such as violent crimes or offenses against dignity and reputation (MirMohammad Sadeghi, 2017).

Another consequence of protracted proceedings is increased economic cost for complainants. Many complainants are compelled to make repeated visits to prosecutors' offices or courts, pay attorneys' fees, and spend substantial amounts of time attending hearings. The prolongation of proceedings causes these costs to increase significantly. In some cases, the costs of pursuing the case may even exceed the amount of loss the complainant seeks to recover, and this leads some complainants to abandon their cases (Ardabili, 2020).

In addition, protracted proceedings can have important negative effects on the quality of judicial adjudication. The passage of time may lead to the loss or weakening of evidence, affect the memory of witnesses, and even make access to certain documents more difficult. Under such circumstances, proving the crime becomes more difficult for the complainant and the likelihood of achieving a favorable outcome decreases. For this reason, the principle of adjudication within a reasonable time is regarded as one of the fundamental principles of fair trial in international human rights instruments (Ashworth, 2015).

Protracted proceedings can also lead to a decline in public trust in the criminal justice system. When citizens observe that cases take years to resolve, they may lose their motivation to submit formal complaints and may even, in some instances, turn to informal means of dispute resolution. Such a situation is detrimental not only to victims, but may also weaken the authority of the judicial system itself.

#### 4.3.2. *Shortage of Electronic Systems for Informing Complainants of Case Status*

Another important executive barrier to supporting private complainants is the limited use of modern technologies for information-sharing and case management. In recent years, the Iranian Judiciary has taken steps to develop electronic services and has launched systems such as Sana and electronic judicial services. These measures constitute an important step toward modernizing the judicial system, but many processes related to informing parties and tracking cases have still not become fully electronic (Statistics & Information and Technology, 2022). In practice, many complainants are compelled to visit judicial authorities in person to learn about the status of their cases or to obtain the necessary information through telephone calls and informal follow-up. In addition to creating costs and wasting time for complainants, this situation can also generate problems such as congestion in judicial authorities and increased workload for court staff. Moreover, the absence of a comprehensive electronic information system means that in many cases complainants are not informed in a timely manner of the exact date of hearings or important judicial decisions (Khaleghi, 2023).

From the perspective of criminal policy, the use of information technology can play an important role in increasing the transparency and efficiency of the criminal justice system. The creation of advanced electronic systems for case tracking, automatic transmission of notifications, and online access to certain case information could significantly reduce current problems. In many countries, such systems enable victims to stay informed of the latest developments in their cases without the need for in-person visits, and even to submit certain legal requests electronically (United Nations Office on Drugs and Crime, 2015). The development of such infrastructure in Iran could constitute an important step toward more effective support for private complainants.

#### 4.3.3. *The Absence of Psychological and Security Support Services for Vulnerable Complainants*

One of the most important dimensions of victim support that has received attention in many criminal justice systems is the provision of psychological and security support services to vulnerable complainants. Victims of many offenses, especially violent crimes, family-related offenses, or crimes against bodily integrity and dignity, may suffer serious psychological harm. If such individuals enter the judicial process without adequate support, they may face even greater emotional pressure during the proceedings (Najafi Abrandabadi, 2019).

In many countries, services such as psychological counseling, social support, witness and victim protection programs, and even temporary shelter for victims at risk have been established. The purpose of these services is to enable victims to participate in the criminal justice process without fear of threats or psychological pressure. For example, in some legal systems, victims

of domestic violence may use special support centers that provide psychological, legal, and security services simultaneously (Ashworth, 2015).

In Iran, although some institutions such as the State Welfare Organization or family counseling centers provide limited services in this area, these services have not yet been fully integrated into the structure of the criminal justice system. In many criminal cases, vulnerable complainants are required to attend hearings and confront the defendant directly without the benefit of specialized psychological or security support. This situation can be a highly difficult and even damaging experience for some victims (MirMohammad Sadeghi, 2017). Overall, the absence of a comprehensive support system for vulnerable victims constitutes one of the significant deficiencies of Iran's criminal justice system. The establishment of specialized victim support centers, the provision of psychological counseling services alongside judicial authorities, and the recognition of security measures for complainants at risk can play an important role in reducing secondary harms and increasing victims' trust in the criminal justice system.

## **5. Conclusion**

In summary, it can be said that one of the fundamental challenges of Iran's criminal justice system is its inability to provide real and multidimensional support for private complainants, support that is not only a prerequisite for efficient adjudication but also a condition for the realization of justice and public trust in the judiciary. The findings of the study show that despite the existence of certain supportive provisions in the Criminal Procedure Code and scattered efforts to strengthen the complainant's position, a combination of legislative, structural, executive, and cultural barriers has caused this support in practice to remain insufficient and, at times, merely formal. This situation is rooted in the lack of coordination among the components of criminal policy, such that although the legislator has taken positive steps in some fields, the absence of enforcement guarantees, the shortage of human and financial resources, case congestion, weak electronic systems, and the lack of psychological and security support services have prevented these advances from producing tangible results for complainants.

On the other hand, the existing judicial and administrative culture still relies excessively on state-centeredness and on a concentration upon discovering crime and punishing the defendant, and the position of the private complainant has not yet been fully recognized as that of an independent stakeholder deserving of support. This traditional outlook has the effect that many complainant rights, such as the right to information, the right to effective participation, the right to specialized support, and the right to adjudication within a reasonable time, encounter serious practical limitations, and victims are exposed to experiences of secondary victimization. It can therefore be concluded that effective support for private complainants will be realized only when structural, legislative, and cultural reforms are implemented simultaneously and in a coordinated manner; reforms that include the development of technological infrastructure, the strengthening of support institutions, the redesign of processes on the basis of victim orientation, and specialized training for judges and law enforcement officers. Such transformations will not only contribute to greater complainant satisfaction, but will also increase public trust, reduce secondary victimization, and improve the overall efficiency of the criminal justice system.

## **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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