

The Effect of Criminology Thoughts on Reducing Criminal Prosecution in Criminal Procedure Tradition Code

Dr. Alireza Taghipour^{1✉}
Vahed Salimi²

Received: 2017/2/23

Accepted: 2018/7/1

Decline in prosecutions is a guideline which has been taken into consideration in 1392 The Code of Criminal Procedure and this way, it has created many different ways in responding crime. In this regard, the judicial authority by applying an interest-oriented approach with evaluating all aspects of committing crime, chooses the best approach to observe the interest of both society and the accused. The approach, can be considered as an inspiring pattern for limiting the scope of intervention of the criminal justice system for petty crimes. Accordingly, the purpose of the criminal justice system is not only the prosecution and the imposition of penalties, and uses all the capacities to respond to the offender. Therefore, prosecution cannot be treated as the only weapon of prevention. Perhaps by prosecution the first label of accusation is tagged on accused and leads to secondary deviation and the other adverse effects. In fact, decline in prosecutions is a new concept and is on the way of criminology findings which has been predicted in order of traditional criminal prosecution failure which has a repressive approach in the prosecution of the accused. Influenced by this guideline, the legislative attempts to predict archive file, chase suspension, criminal mediation and oral indictment in the event of reducing the adverse effects of criminal environment and rapid return of the accused to society. But, some institutional vacuum in law and the way that some acts are set, has caused an obstacle in the event of this purpose.

Key words: *Criminology, Criminal Proceeding, Labeling, Diversion, Mediation, Social security.*

1. Assistant Professor of Bu-Ali Sina University

arlaw2009@yahoo.com ✉

2. Master of Criminal law and Criminology