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Comparative Study of the Principle of Personal Jurisdiction in Iranian and French Criminal Law

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1. Round 1

1.1. Reviewer 1

Reviewer:

The article inconsistently uses the terms personal jurisdiction, active and passive jurisdiction, and jurisdiction based on nationality. For clarity, consider defining and consistently using these terms throughout.

The citation of Pourbafri (2003) for defining personal jurisdiction is outdated. More recent sources on international criminal jurisdiction should be included to reflect contemporary legal discussions.

The statement that "Article 6-113 of the French Penal Code applies to all felonies committed by French nationals outside France" needs further qualification. Consider discussing whether this provision is subject to exceptions, such as diplomatic immunity or prosecution in another country.

The article states that France applies the double jeopardy rule to felonies and misdemeanors, while Iran only applies it to discretionary offenses. It would be beneficial to clarify whether France makes any exceptions for international crimes.

The article states that expanding jurisdiction does not violate sovereignty. This is a contentious claim in international law. Consider discussing potential diplomatic conflicts that arise when one country prosecutes crimes committed abroad.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The sentence "Jurisdiction in the lexicon means competence, suitability, deservingness, and eligibility" is vague. Instead of relying on a dictionary definition, consider citing authoritative legal sources that define jurisdiction within the context of criminal law.

The article mentions that French criminal law is chosen due to its codified system. However, this is also true for many other legal systems (e.g., Germany, Italy). Consider briefly justifying why France is particularly relevant for comparison with Iran.

The discussion of Iranian personal jurisdiction law is focused on post-1979 developments. Consider including a brief discussion on how jurisdiction was handled in Iran's legal system before the 1973 Penal Code for a more comprehensive historical context.

The article notes that the 1973 Penal Code had more restrictive conditions for personal jurisdiction than the 2013 Islamic Penal Code. Provide references to legal commentaries or judicial decisions that discuss why these changes were introduced.

The article states that Iran did not recognize passive personal jurisdiction before 2013. However, some treaties to which Iran is a party (e.g., Tokyo Convention 1963) included provisions for extraterritorial jurisdiction. This should be acknowledged.

The discussion on French jurisdiction over its nationals does not mention the role of international legal obligations (e.g., European Convention on Extradition). Including a brief mention of these treaties would improve the completeness of the discussion.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.
Editor in Chief's decision: Accepted.