

A Comparative Study of the Relationships Between Judicial Authorities and Judicial Officers in the Preliminary Investigation Stage in Iran and France Law

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Received: 2025-08-06

Revised: 2025-12-07

Accepted: 2025-12-14

Published: 2026-05-01

The preliminary investigation stage, as one of the most crucial phases of criminal proceedings, plays a fundamental role in ensuring the discovery of truth and safeguarding the rights of the accused and the victim. In this stage, the relationships between judicial authorities and judicial officers are of particular significance, as any imbalance or ambiguity in the scope of their duties can lead to the violation of criminal justice. The legal system of Iran, by emphasizing the supervision of judicial authorities over judicial officers, seeks to control their actions, whereas in France, despite the prominent role of the prosecutor and the investigating judge, the judicial police enjoy a more independent and specialized status. This study, employing a descriptive-analytical method and a comparative approach, examines the relationships between judicial authorities and judicial officers in the laws of Iran and France and analyzes their similarities and differences. The findings of the study indicate that although both systems emphasize the principle of legality and the necessity of judicial oversight, significant differences—such as the presence of the investigating judge in France and the relative independence of the judicial police—have resulted in greater efficiency in ensuring the defendant's defense rights. In contrast, the Iranian system faces weaknesses in the separation of duties and the independence of judicial officers, the reform of which could lead to the enhancement of criminal justice.

Keywords: Preliminary investigations; Judicial authorities; Judicial officers; Iranian law; French law.

How to cite this article:

Seyed Alavi, S. H., Bagherinezhad, Z., & Hajipour, Y. (2026). A Comparative Study of the Relationships Between Judicial Authorities and Judicial Officers in the Preliminary Investigation Stage in Iran and France Law. *Interdisciplinary Studies in Society, Law, and Politics*, 5(3), 1-11. <https://doi.org/10.61838/kman.isslp.375>

1. Introduction

The criminal justice system of every country is founded upon a balanced cooperation between judicial authorities and judicial officers. The preliminary investigation stage holds a particularly fundamental position in ensuring criminal justice, as this stage involves the collection of evidence, the validation of proofs, and the protection of the rights of the accused and

the victim against the power of the state (Shahidi, 2017). In Iran, according to the 2013 Criminal Procedure Code, the roles of the prosecutor and the investigating judge in directing investigations are accompanied by their supervision over the performance of judicial officers (Jalali, 2019). In France, the prosecutor and the investigating judge also supervise the activities of the judicial police (Pradel, 2018). The significance of this lies



in the fact that the quality of interaction between judicial authorities and judicial officers can either guarantee the discovery of truth or pave the way for the violation of fundamental rights. In modern criminal justice systems, the principle is that judicial officers must operate strictly within the boundaries of legal authority and under judicial supervision; otherwise, not only will the legitimacy of the collected evidence be questioned, but also the principle of impartiality in adjudication will be undermined (Ashworth, 2015).

In Iran, judicial officers include the police, law enforcement authorities, and certain specialized agencies that, according to law, are trained and supervised by the judiciary. To ensure the independence of judicial authorities, the legislature has stipulated that judicial officers are obligated to execute judicial orders precisely and within the prescribed time, and in case of violation, their qualification as judicial officers may be revoked (Etemadi, 2021). This shows that the relationship between judicial authority and judicial officer is not an absolute hierarchical one, but rather a type of cooperation accompanied by supervision. In France, the status of judicial officers is also well defined and subject to two types of supervision: first, the prosecutor's supervision, which applies to urgent actions and crime detection, and second, the investigating judge's supervision, which applies in more serious crimes through the issuance of investigative orders (Bouloc, 2016). Thus, in France, judicial officers are always in an organized relationship with judicial authorities, and their operational independence is strictly limited. A comparison of these two systems shows that both countries emphasize the necessity of judicial supervision over the actions of judicial officers; however, there are also differences. In Iran, due to the centralized structure of the judiciary, the role of judicial officers is accompanied by stricter oversight, whereas in France, despite the relative independence of the police, the division of duties between the prosecutor and the investigating judge creates institutional balance (Vitu, 2002). In both systems, the relationship between judicial authorities and judicial officers must be analyzed in light of fundamental principles of due process such as the principle of legality, the presumption of innocence, and the protection of the defense rights of the accused. In Iran, these principles are explicitly provided in the Constitution and ordinary laws, while in France they are

applied within the framework of the Code of Criminal Procedure and the principles contained in the 1789 Declaration of the Rights of Man and of the Citizen (Pradel, 2018). Considering these points, the importance of the present study lies in its comparative analysis of the relationships between judicial authorities and judicial officers during the preliminary investigation stage, clarifying the similarities and differences of the two legal systems. Such analysis is not only useful for developing comparative legal knowledge but can also contribute to the reform of domestic laws and the enhancement of the efficiency of the criminal justice system.

The main question of this article is as follows: What are the characteristics of the relationship between judicial authorities and judicial officers during the preliminary investigation stage in Iranian and French law, and what similarities and differences can be identified between these two systems? Answering this question requires an examination of the legal and practical status of each of the key actors in this stage, an analysis of the fundamental principles of due process, and a comparative study of the existing regulations and practices in Iran and France. Ultimately, the results of this examination can propose strategies to improve cooperation between judicial authorities and judicial officers within the framework of fair trial principles.

2. Materials and Methods

This study has employed a descriptive-analytical method and library resources to prepare the article.

3. Theoretical Foundations and General Framework

In this section, judicial authorities in the preliminary investigation stage, judicial officers and the judicial police, and the governing principles of the relationship between judicial authorities and judicial officers will be discussed separately.

3.1. Judicial Authorities in the Preliminary Investigation Stage

Judicial authorities play a key role in the preliminary investigation stage and are responsible for directing, supervising, and controlling the collection of evidence and the enforcement of the law. In the Iranian legal system, judicial authorities include the prosecutor, the investigating judge, and the assistant prosecutor. The

prosecutor, as the representative of public rights and the defender of societal interests, is responsible for ensuring overall supervision over the enforcement of the law and the correctness of investigations. The investigating judge is responsible for examining evidence, issuing investigative orders, and directing the operational conduct of investigations, while the assistant prosecutor, as the deputy of the investigating judge, has a supportive and complementary role in performing judicial duties (Jalali, 2019). This division of roles ensures that the preliminary investigation stage is carried out with precision, legality, and respect for individual rights. In the French legal system, a similar structure exists but with its own specific characteristics. The main judicial authorities in this country include the prosecutor and the investigating judge. The prosecutor supervises preliminary investigations and the enforcement of criminal justice, while the investigating judge, in serious and complex crimes, assumes direct leadership of the investigations with broad powers and can issue legal orders to collect evidence (Pradel, 2018). This division of roles strengthens the independence and practical specialization of French judicial authorities and ensures that preliminary investigations are conducted within a legal framework and without unlawful pressures or interferences.

The rationale for the existence of judicial authorities in both systems is to ensure justice, control the legality of the actions of judicial officers, and protect the rights of the accused and victims. In Iran, the emphasis on the supervision of judicial officers by the investigating judge and prosecutor prevents arbitrary actions and the unlawful collection of evidence, ensuring the legitimacy of the judicial process (Etemadi, 2021). In France, the investigating judge, with the power to issue direct orders and supervise the judicial police, has created a framework in which both the operational independence of the officers is maintained and the rights of the accused are effectively protected (Vitu, 2002).

These authorities also play a crucial role in creating a balance between investigative power and the protection of citizens' rights. The rationale for the existence of the prosecutor and investigating judge in Iran, and the public prosecutor and investigating judge in France, is to prevent the potential abuse of legal powers and to ensure the legitimacy of the evidence collected. From this perspective, judicial authorities are not only the

directors of investigations but also the guarantors of the observance of fundamental principles of due process, such as the principle of legality, the protection of the accused's defense rights, and impartiality (Ashworth, 2015; Boulloc, 2016). Ultimately, by directing the preliminary investigation stage, judicial authorities not only ensure the accuracy and legality of investigations but also play a fundamental role as protectors of the rights of individuals and society, thereby contributing to the efficiency of the criminal justice system. A comparison between Iran and France shows that both systems emphasize the importance of judicial oversight and the specialization of authorities; however, France, by establishing the investigating judge and separating the supervisory roles between the prosecutor and the investigating judge, has provided greater operational independence for judicial officers and more flexibility in investigations.

3.2. *The Practical Role and Powers of Judicial Authorities and Judicial Officers in Iran*

The preliminary investigation stage in the Iranian legal system plays a central role in ensuring criminal justice, and judicial authorities and judicial officers, with defined duties and powers, direct and implement this stage. Coordination between these two groups and the precise delineation of their powers prevent violations of the rights of the accused and inconsistencies in the investigation process.

3.2.1. *Duties of the Prosecutor and Investigating Judge in Directing Judicial Officers*

In Iran, the prosecutor, as the representative of public rights and the defender of the law, is responsible for the overall supervision of the performance of judicial officers. The prosecutor can issue investigative orders, determine how evidence is collected and arrests are carried out, and ensure compliance with the rights of the accused (Karimi, 2020). The investigating judge also has a direct role in interacting with judicial officers by operationally directing investigations. The investigating judge can issue search warrants, orders to seize documents, and summonses, and review and approve the actions of judicial officers (Rahimi, 2021). This division of responsibilities ensures that the powers of judicial officers are limited to judicial orders and that any arbitrary or unlawful actions are prevented.

3.2.2. *Powers of Judicial Officers in Evidence Collection, Arrest, and Investigations*

Judicial officers in Iran are authorized to carry out the operational measures related to preliminary investigations according to the orders of judicial authorities. These measures include collecting evidence, the temporary detention of suspects, conducting field investigations, and examining preliminary evidence (Sadeghi, 2018). Judicial officers must perform all their actions within the framework of the 2013 Criminal Procedure Code and supplementary regulations and refrain from infringing upon the rights of suspects. Their power to arrest is only permissible when they have received a judicial order, and they must subsequently submit a complete report of their actions to the judicial authority.

3.2.3. *Reporting and Documentation of Actions*

One of the key principles in the practical relationships between judicial authorities and judicial officers is the obligation to report and document all actions. Judicial officers are required to document and submit to the judicial authority all their actions, from arrests to the collection of documents and evidence (Ahmadi, 2019). These reports not only serve as the basis for subsequent decisions by the prosecutor and investigating judge but also act as a safeguard for the protection of suspects' rights and enable the handling of potential misconduct by officers. Accurate documentation ensures the transparency of the preliminary investigation process and reduces disputes between judicial authorities and judicial officers.

Overall, the Iranian legal system, by precisely defining the duties and practical powers of judicial authorities and judicial officers, has provided a legal framework for the preliminary investigation stage. The direction of judicial officers by the prosecutor and investigating judge, the limitation of the operational powers of judicial officers, and the obligation to report and document actions ensure the protection of suspects' rights and the legitimacy of investigations. This legal structure strengthens coordination between the judiciary and judicial officers and advances the preliminary investigation process in an orderly and lawful manner.

3.3. *Challenges in the Relationships Between Judicial Authorities and Judicial Officers in Iran*

Despite having a precise legal framework, the relationships between judicial authorities and judicial officers in the Iranian legal system face several practical and theoretical challenges. These challenges mainly stem from the tension between the need for the independence of judicial authorities and the need for the operational speed of judicial officers, problems in effective supervision, and critiques raised by legal doctrine.

3.3.1. *Tension Between the Independence of Judicial Authorities and the Operational Speed of Judicial Officers*

One of the most significant challenges is the conflict between the principle of the independence of judicial authorities and the necessity for judicial officers to act swiftly in executing operational measures. In Iran, every action taken by judicial officers requires a direct order from the prosecutor or investigating judge, but this process sometimes causes delays in collecting evidence and arresting suspects (Ebrahimi, 2020). From an operational standpoint, judicial officers need to be able to act quickly in urgent situations; however, legal restrictions and the requirement for judicial orders reduce their operational flexibility. This conflict creates pressure on judicial authorities to issue orders rapidly, which increases the likelihood of mistakes or hasty decisions.

3.3.2. *Problems in Effective Supervision of Judicial Officers*

Effective supervision of judicial officers is another fundamental challenge. Despite numerous laws and regulations, the high volume of cases and the geographical dispersion of judicial officers make it difficult to exercise precise and continuous control over their activities (Ahmadi, 2019). Furthermore, the lack of integrated electronic systems for recording actions and reporting makes it difficult for judicial authorities to quickly review and correct the performance of officers. As a result, the likelihood of arbitrary actions or minor violations increases, and the transparency of the preliminary investigation process decreases.

3.3.3. *Critiques from Legal Doctrine*

Iranian legal doctrine has also addressed these challenges and offered several critiques. Some legal scholars argue that excessive emphasis on judicial supervision reduces the efficiency of judicial officers and slows down the investigation process (Karimi, 2021). On the other hand, the lack of precise mechanisms to ensure a balance between judicial independence and the operational powers of officers has resulted in situations where officers either act too slowly or fail to fully respect the rights of suspects. Some studies have proposed that specialized training, the use of information technology, and the separation of duties between general and specialized judicial officers could serve as practical solutions to mitigate these challenges (Habibi, 2020). Overall, the existing challenges in the relationships between judicial authorities and judicial officers highlight the need for revisions and reforms in the practical and legal framework. Creating a balance between the independence of judicial authorities and the operational flexibility of judicial officers, strengthening effective supervision, and drawing on the proposals of legal doctrine can enhance the efficiency of preliminary investigations and improve the legitimacy of the adjudicatory process. Without such reforms, the risk of conflicts between theory and practice, violations of suspects' rights, and declines in the quality of investigations will persist.

3.4. *The Relationship Between Judicial Authorities and Judicial Officers in France*

This section explains the relationships between judicial authorities and judicial officers within the framework of French law.

3.5. *Legal Framework*

In the French legal system, the relationships between judicial authorities and judicial officers in the preliminary investigation stage are regulated by the provisions of the Code of Criminal Procedure. This code provides a clear and precise legal framework for directing and supervising the performance of judicial officers and the judicial police and defines the roles of the main judicial authorities—the prosecutor and the investigating judge—in the investigation process (Pradel, 2018).

3.5.1. *Provisions of the Code of Criminal Procedure*

The Code of Criminal Procedure contains a set of provisions that define the rights and duties of judicial authorities and judicial officers during the preliminary investigation stage. It clarifies the procedures for collecting evidence, issuing judicial orders, temporary detention, summoning suspects, and controlling the activities of the judicial police. The main goal of these provisions is to create a balance between the speed of investigations and the protection of the rights of suspects and victims (Boulloc, 2016).

3.5.2. *The Role of the Prosecutor*

The public prosecutor represents public rights and defends the interests of society. They are responsible for overseeing the enforcement of the law, directing preliminary investigations, and coordinating with the judicial police. The public prosecutor can issue legal orders to collect evidence, summon individuals, and temporarily detain suspects, and can review the actions of judicial officers. This judicial authority plays the main directing role in investigations, particularly in public and less serious crimes (Vedel, 2006).

3.5.3. *The Role of the Investigating Judge*

In serious and complex crimes, the investigating judge has broad powers and assumes direct responsibility for the investigations. The investigating judge can issue orders for collecting evidence, conducting searches, and making arrests, and supervises the activities of the judicial police directly (Garapon, 2010). The role of the investigating judge in the French system creates a balance between the operational independence of officers and strict judicial oversight, ensuring the protection of the rights of suspects, especially in complex cases.

3.5.4. *Overall Framework of Relationships*

Within the framework of the Code of Criminal Procedure, judicial officers and the judicial police are obligated to carry out all their actions under the guidance and supervision of judicial authorities. This framework ensures that operational activities such as arrests, field investigations, and evidence collection are carried out lawfully and under the orders of the public prosecutor or

the investigating judge. In addition, the continuous reporting and documentation of the actions of judicial officers enable judicial control and safeguard the rights of suspects (Farge, 2012). Thus, the French system exemplifies a balanced structure that combines judicial oversight, the operational independence of officers, and respect for the defense rights of the accused. The combination of the powers of the public prosecutor and the investigating judge, along with the provisions of the Code of Criminal Procedure, enhances the legitimacy of preliminary investigations and the efficiency of the criminal justice system.

3.6. *The Role of the Judicial Police in French Law*

In the French legal system, the judicial police is a key institution in the preliminary investigation stage. This body is responsible for collecting evidence, executing judicial orders, and cooperating with judicial authorities, and—despite strict judicial oversight—enjoys relative operational independence that enhances the specialization and efficiency of investigations (Molina, 2014).

3.6.1. *Scope of Powers in Evidence Collection*

The judicial police is authorized, pursuant to orders from the judicial authority, to carry out measures such as field inquiries, searches of crime scenes, seizure of documents and materials, and the collection of testimonies (Perrin, 2015). These powers are limited by the legal framework set out in the Code of Criminal Procedure, and any action outside judicial orders or applicable law entails criminal and disciplinary liability. Accordingly, legal constraints and the direct supervision of the investigating judge and the public prosecutor safeguard the rights of suspects and the legitimacy of investigations.

3.6.2. *Organizational Relationships with the Public Prosecutor and the Investigating Judge*

In practice, the judicial police reports to two principal judicial authorities: the public prosecutor and the investigating judge. In public and less serious offenses, judicial police activities are conducted under the direct guidance of the public prosecutor, whereas in serious and complex cases, the investigating judge is responsible for the direct conduct of investigations and oversight of the judicial police (Mounier, 2013). These defined

organizational relationships ensure that officers always act under judicial control while maintaining the capacity to perform specialized and operational tasks.

3.6.3. *Relative Operational Independence*

A salient feature of the French judicial police is its relative operational independence. This independence allows the police to conduct specialized investigations and collect evidence without moment-to-moment judicial supervision, provided that activities remain within judicial orders and the law. Relative independence enables officers to make swift and precise operational decisions, particularly in complex crimes or cases requiring the gathering of technical and specialized evidence. This combination of strict judicial oversight and limited operational autonomy creates an appropriate balance between the legitimacy of investigations and the practical efficiency of officers. The French judicial police is not only responsible for collecting evidence and executing judicial orders but also plays a crucial role in ensuring the quality of investigations and protecting suspects' rights. Continuous reporting and documentation of actions constitute another tool for control and transparency of judicial police activities, enabling the public prosecutor and the investigating judge to review and assess performance (Garapon & Dupont, 2017). Overall, France offers a successful model that integrates judicial oversight, operational independence, and the legal accountability of officers, thereby enhancing the legitimacy of preliminary investigations and the efficiency of the entire criminal justice process.

3.7. *Strengths and Weaknesses of the French System in the Relationships Between Judicial Authorities and Officers*

The French legal system, with its emphasis on the structured judicial police and the roles of the public prosecutor and the investigating judge, presents an advanced model for managing preliminary investigations. Nevertheless, there are identifiable strengths and weaknesses that directly affect the quality of investigations and the protection of suspects' rights.

3.7.1. *Efficiency and Specialization of the Judicial Police*

One notable strength of the French system is the specialization and efficiency of the judicial police in evidence collection. With specialized training and technical infrastructure, the judicial police can effectively advance complex and technical investigations (Chevallier, 2016). Its relative operational independence allows officers to make quick and precise operational decisions without continuous supervision. This specialized structure, especially in organized crime and complex cases, helps ensure the quality of evidence and the success of preliminary investigations (Blanchard, 2015).

3.7.2. *Human Rights Critiques and Challenges of Judicial Oversight*

Despite these strengths, the French system faces human rights critiques and challenges related to judicial supervision. Some jurists and human rights organizations have emphasized that the broad powers of the investigating judge and the relative freedom of action of the judicial police may lead to infringements on suspects' rights (Legrand, 2017). Limited access to counsel at certain stages of the investigation and prolonged pretrial detentions are among the concerns raised. In addition, heavy caseloads and operational complexities make comprehensive and continuous supervision by the investigating judge or the public prosecutor difficult, occasionally reducing transparency in officers' performance.

3.7.3. *Courts' Practical Practices*

Courts' practical practices in France help strike a balance between judicial oversight and operational efficiency. Continuous reporting by officers to judicial authorities and meticulous documentation of actions are key mechanisms for control and performance review (Martin, 2018). Nevertheless, occasional divergences in practice among different courts and the absence of uniform standards for supervising the judicial police can produce fragmentation and reduce coordination. This issue can affect the effectiveness of investigations and the quality of evidence, particularly in complex and international cases.

Overall, the French system successfully combines a specialized judicial police, limited operational

independence, and strict judicial oversight to improve the efficiency of preliminary investigations. However, weaknesses include human rights challenges, constraints on effective supervision, and variations in court practices—areas that require practical reforms and attention to international standards. Enhancing specialized training, improving supervisory systems, and establishing harmonized procedures can mitigate existing weaknesses and improve the balance between operational efficiency and the protection of suspects' rights (Dubois, 2019).

4. **A Comparison of Iranian and French Law**

This section compares the Iranian and French legal systems.

4.1. *Commonalities Between Iran and France in the Relationships Between Judicial Authorities and Officers*

Despite structural and historical differences, preliminary investigations in the Iranian and French legal systems display notable commonalities that ensure the legitimacy and lawfulness of officers' actions. Two principal axes of these commonalities are judicial oversight and the principle of legality.

4.1.1. *Judicial Oversight of Officers*

In both systems, judicial officers must perform all actions under the supervision of judicial authorities. In Iran, the prosecutor and the investigating judge are responsible for directing and supervising officers' performance and may issue orders for evidence collection, arrests, and field investigations (Shahidi, 2020). This supervision prevents officers from taking arbitrary actions or operating outside the legal framework.

In France, the judicial police likewise conducts its activities under the guidance of the public prosecutor or the investigating judge (Chevalier, 2017). Judicial oversight in this system not only involves issuing orders but, through continuous reporting and the documentation of officers' actions, also enables control and review of activities. This structural similarity ensures respect for suspects' rights and coordination between judicial authorities and officers in both countries.

4.1.2. *The Principle of Legality of Actions*

The principle of legality of actions is another important commonality in Iran and France. In Iran, all actions of officers are carried out pursuant to the 2013 Criminal Procedure Code and supplementary regulations (Mohammadi, 2019). Any action outside the legal framework entails criminal and disciplinary liability for the officer, and judicial supervision guarantees the enforcement of this principle. In France, the Code of Criminal Procedure defines the scope of the judicial police's powers and ensures that evidence collection, arrests, and investigations are conducted solely on the basis of judicial orders and within statutory rules (Dufour, 2018). Observance of this principle establishes legal certainty and the legitimacy of preliminary investigations and prevents potential abuses by officers. Despite institutional and structural differences, the Iranian and French systems align on two important fronts in the preliminary investigation stage. First, stringent judicial oversight of officers ensures compliance with the law and the protection of suspects' rights. Second, the principle of legality provides a clear and binding framework for officers' performance. These commonalities indicate that, notwithstanding historical and cultural differences, the core aims of preliminary investigations—safeguarding suspects' rights and ensuring the legitimacy of judicial actions—are pursued similarly in both systems. Such similarities can form the basis for comparative reforms and the exchange of practical experiences between Iran and France, particularly in specialized training for officers, improved reporting systems, and increased transparency in judicial performance.

4.2. *Differences Between Iran and France in the Relationships Between Judicial Authorities and Officers*

Despite these commonalities, there are fundamental differences that affect how judicial authorities and officers operate. These differences are mainly reflected in three areas: the status of the investigating judge, the operational independence of officers, and the clarity and separation of functions.

4.2.1. *The Status of the Investigating Judge in France and Its Absence in Iran*

One of the most significant differences is the existence of the investigating judge in the French system. The investigating judge is responsible for directly leading investigations in serious and complex cases and possesses broad powers to issue orders for evidence collection, arrests, and the supervision of the judicial police (Garapon, 2010). This independent position makes it possible to balance judicial oversight and the operational flexibility of officers, ensuring the protection of suspects' rights during the sensitive stages of preliminary investigations. In contrast, such a position does not exist in the Iranian system, and similar functions are mainly assigned to the prosecutor and the investigating judge. This concentration of powers, alongside the heavy caseload, can reduce operational flexibility and increase the workload of judicial authorities (Ebrahimi, 2020).

4.2.2. *The Independence of the Judicial Police in France versus the Dependency of Officers in Iran*

The second difference is the operational independence of officers. The French judicial police enjoys relative operational independence and can conduct specialized investigations and collect evidence without moment-to-moment judicial supervision, provided that the legal framework and judicial orders are observed (Molina, 2014). This independence enhances the speed and efficiency of investigations, especially in complex and organized crime cases. In Iran, judicial officers are heavily dependent on the direct guidance of prosecutors and investigating judges, and any action outside judicial orders is prohibited. While this dependency ensures judicial oversight, it limits the operational flexibility of officers and may cause delays in collecting evidence (Karimi, 2021).

4.2.3. *Transparency and Separation of Duties in France versus Fragmentation in Iran*

The third difference lies in transparency and the separation of duties. In France, the roles and responsibilities of the public prosecutor, investigating judge, and judicial police are clearly defined, and there are documented and coordinated procedures for reporting and supervision (Farge, 2012). This structure

ensures that each judicial authority and officer knows the boundaries of their powers and responsibilities while enabling the control and evaluation of actions. In Iran, the fragmentation of duties between general and specialized officers, the lack of standardized reporting procedures, and the concentration of decision-making in judicial authorities can reduce transparency and hinder effective supervision (Shahidi, 2020).

Overall, these differences reflect distinct structural and operational philosophies of preliminary investigations in the two systems. The existence of the investigating judge, the relative independence of the judicial police, and the transparency of duties in France increase efficiency and safeguard suspects' rights, whereas in Iran, the concentration of powers and the dependency of officers on judicial authorities—despite strict supervision—create limitations in operational flexibility and transparency. These differences can serve as a starting point for comparative reforms and the enhancement of the efficiency of the preliminary investigation system in Iran.

4.3. Comparative Evaluation of the Relationships Between Judicial Authorities and Officers in Iran and France

A comparative analysis of the Iranian and French systems in the preliminary investigation stage shows that each possesses distinct strengths and challenges, and the French experience can offer useful reform models for Iran.

4.3.1. Strengths of Iran and France

In Iran, the main strength is the concentration of powers in judicial authorities—the prosecutor and the investigating judge—over the direction of officers. This concentration ensures that judicial officers operate under the direct supervision of judicial authorities, reducing the likelihood of actions outside the legal framework (Mohammadi, 2019). In addition, the principle of legality governing officers' actions guarantees respect for suspects' rights, and existing judicial oversight mechanisms allow for control over their activities.

In France, the strengths lie mainly in the specialization of the judicial police and the existence of the investigating judge. The judicial police, with its relative operational independence, can efficiently conduct complex and

specialized investigations (Molina, 2014). The investigating judge, by directly leading investigations, balances judicial oversight with the operational flexibility of officers, and the transparency of duties and continuous reporting allows for performance evaluation and the protection of suspects' rights (Garapon, 2010).

4.3.2. Common Challenges

Despite these strengths, both systems face similar challenges. In Iran, the limited operational flexibility of officers and the concentration of powers can delay evidence collection, whereas in France, the broad powers of the investigating judge and the relative independence of the judicial police have been criticized from a human rights perspective, posing risks to suspects' rights (Legrand, 2017). Moreover, both countries face a need for greater coordination between judicial authorities and officers, continuous specialized training, and the standardization of procedures.

4.3.3. Reform Models for Iran Inspired by France

Based on the French experience, several specific reform models can be proposed for Iran. First, establishing an institution similar to the investigating judge for serious and complex cases could improve the balance between judicial oversight and the operational flexibility of officers. Second, increasing the relative independence of judicial officers in collecting evidence and conducting specialized investigations—within the existing legal framework—could enhance the speed and efficiency of investigations. Third, improving transparency and the separation of duties by clearly defining responsibilities and standardizing reporting procedures could facilitate effective supervision and coordination between judicial authorities and officers (Dubois, 2019).

In sum, a comparative analysis of Iran and France shows that integrating the strengths of both systems can improve the efficiency of preliminary investigations and reinforce respect for suspects' rights. Iran could, inspired by the French experience, implement reforms in the areas of officers' operational independence, the separation of duties, and the establishment of an independent directing authority for complex cases, while France could benefit from Iran's concentrated judicial oversight to improve control and reduce human rights risks. This comparative approach provides a promising

path for enhancing the preliminary investigation system and strengthening criminal justice in Iran.

5. Conclusion

This article aimed to conduct a comparative analysis of the relationships between judicial authorities and judicial officers during the preliminary investigation stage in the legal systems of Iran and France, examining their structures, roles, and challenges. The analysis showed that, despite institutional and historical differences, both systems share specific similarities and differences that can serve as a basis for reforms to improve the preliminary investigation process in Iran. In Iran, the supervisory structure over judicial officers is exercised through the prosecutor and the investigating judge (bazpors). This concentration of authority ensures adherence to the principle of legality in officers' actions and reduces arbitrary measures. However, the heavy dependency of officers on direct guidance from judicial authorities and the fragmentation of duties between general and specialized officers decrease their operational flexibility and hinder coordination and speed in investigations. Moreover, Iran lacks an independent institution similar to the investigating judge that could create a balance between judicial oversight and the operational flexibility of officers in complex cases.

In France, the presence of the investigating judge and the judicial police with relative operational independence enables the specialized and efficient collection of evidence. The clarity of duties, continuous reporting, and standardized procedures enhance effective supervision and safeguard the rights of suspects. Despite this system's high operational efficiency, it has faced human rights criticisms regarding prolonged pretrial detentions and limited access of suspects to counsel. The comparative analysis showed that the main similarities between Iran and France include the supervision of judicial authorities over officers and the principle of legality, which both systems observe in their own ways. Conversely, the main differences include the existence of the investigating judge in France and its absence in Iran, the relative operational independence of the judicial police in France versus the dependency of officers on judicial authorities in Iran, and the clarity and separation of duties in France versus their fragmentation in Iran. These differences indicate that each system has its own

strengths and weaknesses, and that combining the experiences of both countries could lead to effective reforms in Iran's system.

The main question of the article—how the relationships between judicial authorities and judicial officers are structured in Iran and France, and what their similarities and differences are—was answered through this comparative analysis. In both systems, judicial supervision and adherence to the principle of legality in officers' actions are fundamental pillars of preliminary investigations. The differences mainly arise from institutional structure, the degree of operational independence of officers, and the clarity of duties. France, by establishing the investigating judge and granting relative independence to the judicial police, has achieved a proper balance between judicial oversight and operational flexibility, while Iran can draw on this experience to implement reforms in the supervisory and operational structure of its officers.

Practical Recommendations for the Iranian Legal System:

1. **Establishing an independent institution for directing complex investigations:** It is recommended to create an institution similar to the investigating judge to lead complex and serious cases, enabling direct supervision of investigations and balancing judicial oversight with officers' operational flexibility.
2. **Increasing the operational independence of officers:** Judicial officers could be granted greater operational independence in evidence collection and specialized investigations within defined legal limits. This would enhance the speed and efficiency of investigations and reduce the workload of judicial authorities.
3. **Improving transparency and separation of duties:** Clearly defining the duties of general and specialized officers, standardizing reporting procedures, and creating coordinated guidelines would allow for more effective supervision and better coordination between judicial authorities and officers.
4. **Providing continuous specialized training:** Organizing specialized training courses for judicial officers and judicial authorities—especially on technical evidence collection and

managing complex cases—would improve the quality of preliminary investigations.

5. **Using comparative experiences:** Drawing on France's experience in granting relative independence to the judicial police, clarifying duties, and establishing reporting procedures could support legal and practical reforms in Iran and help ensure the improvement of criminal justice quality.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

According to the authors, this article has no financial support.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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