

OPEN PEER REVIEW

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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1. Round 1

1.1. Reviewer 1

Reviewer:

The text states “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.” Please clarify what legal or doctrinal framework supports this view, as this conceptualization may not be universally accepted in Iranian jurisprudence.

The sentence “France... has provided greater operational independence for judicial officers” needs more doctrinal or empirical support (e.g., data on the number or percentage of cases where judicial police act without prior written orders).

Include the time frame of the legal materials consulted (e.g., laws, court cases from which years). This would increase transparency and replicability.

The identified tension between independence and operational speed is accurate, but the text does not examine its legal consequences (e.g., cases overturned due to procedural delays). Adding such consequences would strengthen the argument.

Please specify what is meant by “fragmentation” in Iran. Provide examples or case studies illustrating how overlapping duties have caused procedural problems.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The claim “In both systems, the relationship between judicial authorities and judicial officers must be analyzed in light of fundamental principles of due process...” would benefit from a brief operational definition of “due process” within both legal contexts (Iran and France) to avoid conceptual ambiguity.

This section introduces the main legal actors but does not synthesize prior comparative studies on Iran and France. Please include and discuss previous comparative works, if any, to clarify the gap your study fills.

You mention “The main judicial authorities in this country include the prosecutor and the investigating judge”. Please add historical context on how and when the investigating judge role evolved in France to highlight why Iran lacks an equivalent position.

The portrayal of the French system emphasizes order and efficiency, but little is said about its systemic shortcomings beyond human rights critiques. Please include discussion on issues like cost, bureaucracy, or caseload pressure to provide a balanced view.

The sentence “Relative independence enables officers to make swift and precise operational decisions” should be nuanced by acknowledging risks of misconduct or abuse when acting without real-time judicial oversight.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.