

A Comparative Study of Concentration in Iranian and French Civil Procedure and Its Role in Balancing Judicial Justice with the Speed and Order of Proceedings

Alireza. Akbari Beni¹, Ali. Kazemi^{2*}, Seyed Mostafa. Mahmoudi Moghadam¹

¹ Department of Law, Yas.C., Islamic Azad University, Yasuj, Iran

² Department of Law, Shk.C., Islamic Azad University, Shahrekord, Iran

* Corresponding author email address: kazemiali@iau.ac.ir

Received: 2026-01-01

Revised: 2026-05-04

Accepted: 2026-05-13

Published: 2026-07-01

Build–Operate–Transfer (BOT) contracts, as one of the most significant models of public–private partnership (PPP), play a pivotal role in financing and developing public infrastructure, particularly in developing countries. However, the complexity of the structure of these contracts and their long-term nature have made “risk allocation” one of the most challenging legal and economic dimensions of Build–Operate–Transfer agreements. Imbalance in the distribution of risks between the government and the private investor may lead to increased project costs, reduced investment attractiveness, contractual disputes, and ultimately the failure of infrastructure projects. In the Iranian legal system, these challenges have been intensified by legislative ambiguities, fragmented regulations, and weak enforcement mechanisms. The present study, adopting a descriptive–analytical and comparative approach, examines the legal and economic challenges of risk allocation in Build–Operate–Transfer contracts and compares the legal status of Iran with selected legal systems and successful international experiences. In this study, while explaining the concept and categories of legal, financial, and operational risks in Build–Operate–Transfer contracts, the theoretical foundations of risk allocation from the perspectives of contract law and economic analysis of projects have also been explored. The findings of the study indicate that in Iran, the absence of a coherent and transparent legal framework for the determination and distribution of risks has resulted in the disproportionate transfer of risks to the private sector or, conversely, the imposition of unpredictable obligations upon the government, thereby reducing the economic efficiency of projects. In contrast, the examination of comparative experiences demonstrates that successful legal systems, relying on principles such as allocating risk to the party capable of controlling it, contractual transparency, and the integration of cost–benefit analysis with legal rules, have been able to establish a relative balance between public interests and the incentives of private investors. Ultimately, emphasizing the necessity of revising Iran’s legislative and contractual policies, the study proposes that, through a carefully considered adaptation of comparative models and the integration of legal and economic considerations, an indigenous framework for balanced risk allocation in Build–Operate–Transfer contracts should be designed in order to facilitate sustainable investment attraction and reduce contractual disputes.

Keywords: Build–Operate–Transfer contracts; risk allocation; public–private partnership (PPP); comparative analysis; Iranian legal system.

How to cite this article:

Akbari Beni, A., Kazemi, A., & Mahmoudi Moghadam, S. M. (2026). A Comparative Study of Concentration in Iranian and French Civil Procedure and Its Role in Balancing Judicial Justice with the Speed and Order of Proceedings. *Interdisciplinary Studies in Society, Law, and Politics*, 5(4), 1-13. <https://doi.org/10.61838/kman.isslp.487>



1. Introduction

Civil proceedings in contemporary legal systems face two fundamental imperatives: ensuring complete and fair judicial justice for all parties to a dispute and, at the same time, securing speed and order in adjudication in order to prevent procedural delay, reduce material and non-material costs, and preserve the overall efficiency of the judiciary. The principle of concentration is one of the most important legal instruments for establishing a balance between these two objectives. This principle, which at its core refers to the obligation of the parties to present all claims, evidence, legal arguments, and objections at the early stages of proceedings, seeks to prevent procedural fragmentation, unnecessary delays, and abusive conduct, while also preserving the right to a full defense and a fair trial. In French law, the principle of concentration was formally incorporated into the legal system in 2006 through the well-known ruling of the Plenary Assembly of the Court of Cassation and gradually expanded to broader areas (Gutsunaeva, 2021). Beyond a technical rule, this principle operates as a normative requirement that imposes new procedural conduct on the parties and grants the judge greater authority to respond to non-compliance. The concentration of evidence and grounds at first instance, the concentration of claims, the concentration of appeals, pleas of inadmissibility, and even temporal concentration at appellate stages are major manifestations of this principle. Its main objective is to reduce the duration of proceedings, combat delay, and guarantee adjudication within a reasonable time under Article 6 of the European Convention on Human Rights (Cadet, 2007). The evolution of the principle of concentration in France, especially after the reforms of 2017 and 2019, reflects a movement toward preventive and systematic concentration accompanied by the complementary principles of procedural speed and procedural loyalty. Nevertheless, the strict application of this principle has sometimes attracted criticism, including the risk of depriving a party of a full defense in cases of initial omission or failure to discover new evidence. In the Iranian legal system, the principle of concentration is not expressly stated as an independent principle in the Code of Civil Procedure of the Public and Revolutionary Courts, adopted in 2000 with subsequent amendments, yet its elements can be traced in several

provisions. Article 199 of this Code, by granting the judge broad authority to investigate and examine evidence beyond what the parties have submitted, creates significant flexibility and prevents absolute and rigid concentration (Kazemi, 2018). Likewise, the obligation to file the petition and statement of defense at the early stages, under Articles 51 and 93, the closure of arguments at the hearing, and restrictions on submitting new evidence at later stages indicate the legislature's attempt to establish unity in adjudication and prevent disorder and procedural delay. In practice, however, because of the very high volume of cases, the shortage of judicial resources, and the stronger emphasis on discovering the truth, particularly under the influence of the foundations of Imami jurisprudence and the principle of truth-seeking, concentration in Iranian law is less rigid and more dependent on judicial discretion. Although this feature contributes to substantive justice, it sometimes leads to procedural delay and inconsistency in judicial practice.

A comparative examination of the principle of concentration in Iranian and French law reveals important structural differences. France has moved toward preventive procedural concentration with strong sanctions, such as inadmissibility; an approach rooted in the need to manage a high case volume, European human rights requirements, and structural pressures. This model prioritizes speed and order, but sometimes exposes substantive justice to risk (Fathi, 2024). By contrast, greater flexibility in Iranian law, especially through Article 199 and the possibility of judicial investigation, contributes to discovering the truth and achieving substantive justice, but it may lead to procedural delay, increased costs, and inconsistency in judicial practice (Mohammadzadeh Vadeghani & Heydari, 2024). These differences are primarily rooted in legal-cultural foundations: France emphasizes systematic efficiency, time management, and case-management principles, whereas Iran prioritizes substantive justice, truth-seeking, and judicial flexibility. The role of the principle of concentration in establishing a balance between judicial justice and procedural speed and order constitutes the central focus of this study. Judicial justice without speed amounts to deprivation of effective access to the court and violation of the right to adjudication within a reasonable time; speed without justice may lead to violation of the right to a full defense,

deprivation of the opportunity to present key evidence, and even denial of substantive justice. If implemented in a balanced manner, the principle of concentration can connect these two values: by requiring early submission of evidence and claims, it reduces the duration of proceedings, lowers costs, prevents abuse of the judicial process such as fragmented litigation or dilatory conduct, and strengthens procedural order; at the same time, by preserving possible exceptions, such as unforeseeable new evidence or evidence discovered after the initial stage, and judicial discretion, it safeguards substantive justice. This study, using a descriptive-analytical and comparative method, seeks to answer the following questions: How has the principle of concentration been defined, implemented, and developed in Iranian and French law? What are the differences in intensity, flexibility, sanctions, and philosophical-legal foundations? What role does this principle play in balancing judicial justice with procedural speed and order? And how can the French experience be used to improve the Iranian system? The main sources include statutes, judicial practice, such as decisions of the French Court of Cassation and Iranian courts, legal doctrine in both countries, and comparative studies. The expected results of this study indicate that the principle of concentration, if implemented while maintaining a balance between speed and justice, that is, by combining Iranian flexibility for discovering the truth with French strictness for efficiency, can serve as an effective instrument for modernizing civil proceedings in Iran. In a context where the number of cases is increasing, procedural delay is one of the main problems undermining public trust in justice, and the need to reduce adjudication time is increasingly felt, this balance will not only enhance the efficiency of the judicial system but also strengthen public trust in justice and contribute to the realization of the principle of fair access to the court.

2. Conceptual and Theoretical Foundations of the Principle of Concentration in Civil Procedure

The principle of concentration in civil procedure is an obligation requiring the parties to present all their claims, evidence, legal arguments, and objections at the early stages of adjudication, especially at first instance, and to refrain from raising them gradually or in stages. Beyond a technical rule, this principle is a normative

requirement that guides the procedural conduct of the parties, prevents fragmentation of the process, ensures unity of adjudication, and contributes to balancing substantive justice, meaning the right to discover the truth and to a full defense, with procedural justice, meaning speed and order in proceedings. Its theoretical foundations are rooted in the need for judicial-system efficiency, reduction of delay, and time management. The concept, forms of manifestation, legal foundations, and functional analysis of this principle are examined below.

2.1. *The Concept of the Principle of Concentration and Its Place in Modern Civil-Procedure Systems*

The principle of concentration is one of the fundamental principles of contemporary civil procedure, the main objective of which is to prevent the fragmented and gradual presentation of claims, evidence, and arguments during the adjudication process. This principle requires the parties to a dispute to raise all their legal grounds, evidentiary materials, objections, and arguments at the early stages of proceedings, especially at first instance, and to refrain from presenting them at later stages, such as appeal or retrial, except in exceptional cases. The concept of concentration goes beyond a merely technical or procedural rule and operates as a normative requirement that guides the parties' conduct, strengthens procedural order, and provides the judge with greater control mechanisms for confronting unjustified delay. In modern civil-procedure systems, especially within the civil-law family, the principle of concentration constitutes a structural response to the challenges of the judiciary. The increase in case volume, the complexity of disputes, the high costs of litigation, and the requirement to observe a reasonable time for adjudication under Article 6 of the European Convention on Human Rights have highlighted the necessity of this principle. While preserving the fundamental rights of the parties, including the right of defense and access to the court, the principle of concentration increases procedural efficiency and prevents abuse of the multiple stages of litigation. In French law, this principle was formally recognized in 2006 through the decision of the Plenary Assembly of the Court of Cassation and became one of the guiding principles (Gutsunaeva, 2021). The place of this principle in modern adjudication lies in establishing a balance between substantive justice, namely the right to discover the truth and to a full

defense, and procedural justice, namely speed and order. Without concentration, intentional or unintentional delay increases and public trust in justice is weakened; with excessive concentration, the right of defense is restricted. Therefore, a successful principle of concentration is one that balances these two values and keeps proceedings fast, orderly, and fair.

2.2. *The Concept and Forms of Manifestation of the Principle of Concentration in Civil Proceedings*

The principle of concentration in civil proceedings means requiring the parties to submit all claims, evidence, legal arguments, and objections in a single, timely manner at the early stages of adjudication (Gutsunaeva, 2021). Beyond a technical rule, this principle is a normative requirement that guides the procedural conduct of the parties, prevents fragmentation of the process, and ensures unity of adjudication (Cadiet, 2007). The manifestations of the principle of concentration are diverse, each relating to a specific aspect of adjudication, ranging from substantive concentration, such as evidence and grounds, to formal concentration, such as claims and objections, and temporal-procedural concentration.

This diversity makes the principle multifaceted and enables it to adapt to different stages of proceedings, including first instance, appeal, and retrial (Fathi, 2024). In French law, this principle gradually expanded to all stages after 2006 and became one of the main instruments of judicial time management. The common objective of all manifestations is to reduce procedural delay, increase procedural efficiency, and preserve procedural order, while the parties' right to a full defense must also remain protected. The three main forms of manifestation of this principle are examined below: concentration of evidence and grounds, concentration of claims and objections, and temporal and procedural concentration. This classification shows that the principle of concentration consists of a coordinated set of rules that together establish a balance between speed and justice.

2.2.1. *Concentration of Evidence and Grounds*

The concentration of evidence and grounds is the most important form of the principle of concentration in civil proceedings. This manifestation requires the parties to

present all evidentiary materials, including documents, testimony, expert evidence, admissions, and the like, as well as their legal arguments and grounds for claims at first instance, and to refrain from raising them gradually or in stages (Fathi, 2024). In French law, this obligation was applied expressly and generally through the 2006 decision of the Plenary Assembly of the Court of Cassation, and non-compliance may lead to the inadmissibility of a subsequent action.

The main objective of the concentration of evidence and grounds is to prevent multi-stage litigation and ensure unity of adjudication. The submission of new evidence at the appeal or retrial stage is accepted only in exceptional cases, such as where the evidence could not have been discovered at the earlier stage or was unforeseeable. This rule prevents the repetition of investigations, rehearing of evidence, and prolongation of the process, and significantly reduces the overall duration of proceedings (Mohammadzadeh Vadeghani & Heydari, 2024). In practice, concentration of evidence compels the parties to design their litigation strategy fully from the outset and to avoid delaying behavior or dilatory maneuvers.

This form of concentration has the greatest impact on the speed and efficiency of proceedings. By requiring the complete submission of evidence at the initial stage, it prevents higher stages from being converted into opportunities to compensate for earlier deficiencies. However, its strict implementation requires balance so that the parties' right to discover the truth and to a full defense is not restricted. In necessary cases, the judge may accept new evidence or conduct supplementary investigations in order to preserve substantive justice. The concentration of evidence and grounds constitutes the core of the principle of concentration and provides a basis for other manifestations, such as the concentration of claims and temporal concentration (Plissonnier, 2022).

2.2.2. *Concentration of Claims and Objections*

The concentration of claims and objections is one of the key forms of the principle of concentration, focusing on substantive claims and procedural or substantive objections, such as objections to jurisdiction, limitation periods, lack of capacity, or pleas of inadmissibility (Fathi, 2024). This manifestation requires the parties to raise all their claims and objections within the initial

time limits and in a single manner, and to refrain from raising new claims or late objections. In French law, especially at the appellate stage, the appellant must state all claims in the notice of appeal or initial pleadings, and any new claim submitted after the prescribed time limit is not accepted (Mohammadzadeh Vadeghani & Heydari, 2024). The main objective of this concentration is to prevent fragmented or repetitive litigation and dilatory maneuvers. The concentration of objections also means that pleas of inadmissibility must be raised within the initial time limits, otherwise they are forfeited (Dabiri Qasr-Assemi & Moloudi, 2025). This rule prevents appeal from becoming an entirely new stage and preserves procedural order at higher stages. In systems that regard appeal as a mechanism for correcting errors, the concentration of claims and objections prevents abuse of this stage as an opportunity to raise new disputes and increases the overall efficiency of the system. This form of concentration compels the parties to anticipate all aspects of the dispute from the beginning and to design their strategy fully. Its implementation, while reducing the duration of proceedings, prevents increased costs and erosion of the parties' rights due to delay. However, like other manifestations, it requires balance so that the right of defense and access to the court are not restricted. In exceptional cases, the judge may accept a new claim or objection if it was unforeseeable or resulted from a change in circumstances. The concentration of claims and objections complements the concentration of evidence and grounds, and together they transform the principle of concentration into a comprehensive instrument for time management and the preservation of procedural justice.

2.2.3. Temporal and Procedural Concentration at First Instance and Appeal

Temporal and procedural concentration is one of the important manifestations of the principle of concentration, focusing on the determination of precise time limits and the orderly structuring of the adjudication process (Sabari, 2024). Temporal concentration means requiring the parties to comply with non-extendable, or only narrowly extendable, time limits for submitting pleadings, evidence, claims, and objections. In French law, after the reforms of 2017 and 2019, stricter time limits were established for filing notices of appeal, defense pleadings, and evidence, and

failure to comply with them leads to forfeiture of the right or inadmissibility (Mohseni, 2016). Procedural concentration also includes the obligation to structure pleadings, present a summary of claims in the final pleading, observe the logical order of arguments, and avoid fragmented, incomplete, or repetitive pleadings. This form of concentration makes the process more orderly and prevents delays arising from disorganized or irrelevant pleadings (Bafahm et al., 2024). At first instance, temporal and procedural concentration strengthens unity of adjudication by requiring the filing of the petition and statement of defense within initial time limits and in a specified structure. At the appellate stage, this concentration prevents prolongation of the process by setting short time limits for the notice of appeal and pleadings, and keeps appeal as a limited stage for correcting errors. The objective of this manifestation is to increase procedural efficiency and reduce delaying conduct. Temporal and procedural concentration complements substantive concentration, namely evidence and claims, and together they turn the principle of concentration into a comprehensive instrument for judicial time management. Nevertheless, its implementation requires balance so that the parties' right of defense is not restricted. In necessary cases, the judge may extend time limits or allow incomplete pleadings to be corrected. By strengthening procedural order, temporal and procedural concentration helps balance procedural speed with substantive justice and prevents unjustified delay.

2.3. The Legal Foundations of the Principle of Concentration in Long-Term Litigation

The legal foundations of the principle of concentration can be examined at two levels: domestic and international. At the domestic level, French law plays a central role. The principle of concentration in France is rooted in the need for the good administration of justice. The 2006 decision of the Plenary Assembly of the Court of Cassation introduced this principle as an independent normative obligation beyond technical rules and linked it to the concept of *res judicata* (Davakan, 2017). This decision marked a turning point by transforming the concentration of evidence into a general obligation and accepting non-compliance as a ground for the inadmissibility of a new action. Subsequent reforms of the French Code of Civil Procedure, including Decree No.

2017-891 and Decree No. 2019-1333, reinforced this principle at the appellate stages and turned it into one of the guiding principles. In long-term litigation, such as complex commercial or administrative disputes involving several stages, this principle functions as an instrument for time management and for preventing excessive prolongation of the process.

At the international level, Article 6 of the European Convention on Human Rights is a key foundation. This article guarantees the right to a fair trial within a reasonable time, and the European Court of Human Rights has repeatedly condemned member states for procedural delay (Lajošová, 2024). The principle of concentration functions as an instrument for implementing this international obligation and assists states in organizing their judicial systems in a way that respects reasonable time requirements. In addition, the principles of the European model of civil procedure emphasize concentration of evidence and time management, recommending that legal systems adopt rules to prevent the fragmented submission of evidence (Pernici et al., 2024). Recommendations of the Council of Europe on judicial efficiency also emphasize concentration as one of the mechanisms for reducing delay.

In French law, these international foundations have converged with the domestic system. The principle of concentration arises not only from internal pressures, such as case volume and the need for efficiency, but also from European obligations. In long-term litigation, this principle pressures the parties to design their litigation strategy fully from the outset and to avoid unnecessary delays (Richter, 2023). However, the legal foundations of the principle of concentration must be compatible with the fundamental rights of the parties, such as the right of defense, access to the court, and the principle of proportionality; therefore, limited exceptions have been provided for new evidence or unforeseeable objections. This balance constitutes the basis of the legitimacy of the principle of concentration at the national and international levels and transforms it from a technical rule into a normative principle that keeps proceedings fast, orderly, and fair (Plissonnier, 2022).

2.4. Functional Analysis of the Principle of Concentration and the Fundamental Principle

From a functional perspective, the principle of concentration pursues two main objectives: reducing the duration of proceedings and preserving the quality of justice (Gutsunaeva, 2021). Time reduction is achieved by preventing multiple stages, repeated investigations, and gradual submission of evidence. This reduces litigation costs, increases public trust in justice, and prevents erosion of the parties' rights as a result of delay. In French law, the concentration of evidence and claims has significantly shortened first-instance proceedings and prevents cases from moving to higher stages without necessity (Cadiet, 2007). In addition, the concentration of objections and claims on appeal prevents appeal from becoming a completely new stage and increases the overall efficiency of the system.

However, the main function of the principle of concentration lies in establishing a balance between two fundamental values: substantive justice, meaning the right to discover the truth and to a full defense, and procedural justice, meaning speed and order. Excessive concentration may sacrifice substantive justice; for instance, if a party fails to submit key evidence at the initial stage because of lack of knowledge, limited resources, or the complexity of the dispute, that party may be deprived of the right of defense and substantive justice may be harmed (Fathi, 2024). Conversely, insufficient concentration leads to procedural delay, delaying conduct, and increased costs, which itself constitutes a form of denial of justice (Mohammadzadeh Vadeghani & Heydari, 2024).

The balance between these two values is the fundamental guiding principle of concentration. In France, this balance is secured through limited exceptions, such as unforeseeable new evidence, the judge's case-management power, and an emphasis on the procedural loyalty of the parties. In necessary cases, the judge may accept new evidence or conduct supplementary investigations in order to preserve substantive justice (Plissonnier, 2022). In other systems, such as Iran, greater flexibility, such as Article 199 of the Code of Civil Procedure, which authorizes the judge to investigate beyond the evidence submitted by the parties, contributes to substantive justice but increases the risk of delay.

Therefore, a successful principle of concentration is one that accelerates proceedings without eliminating the possibility of effective defense and discovery of the truth. Functional analysis shows that, if implemented with this balance in mind, the principle of concentration can serve as an effective instrument for modernizing civil procedure (Lajošová, 2024). In a context where the volume of cases is increasing and delay is one of the main problems of the judicial system, this principle can increase speed without sacrificing justice. However, its success depends on the design of balanced sanctions, the training of parties, the strengthening of the judge's active role, and the provision of reasonable exceptions. The principle of concentration not only manages time but also enhances the quality of justice and strengthens public trust in the judicial system.

3. Comparative Analysis of the Legal and Functional Challenges of the Principle of Concentration in Civil Procedure

A comparative analysis of the principle of concentration in Iranian and French civil procedure shows that this principle is implemented in France in a preventive, systematic manner and through strong contractual and procedural requirements, and that it has established an appropriate balance between speed/order and substantive justice. By contrast, in Iran, concentration is implicit and judicial, and because of high flexibility under Article 199 of the Code of Civil Procedure, it prioritizes substantive justice but intensifies delay and inconsistency in judicial practice. These differences are rooted in the legal, cultural, and structural foundations of the two systems. The following sections examine models of implementation, effects on efficiency, common challenges and distinctions, and the evaluation of the balance between the principle of concentration, judicial justice, and procedural speed and order. This analysis provides a basis for proposing a balanced domestic model.

3.1. Models of Implementing the Principle of Concentration in Selected Legal Systems

Models for implementing the principle of concentration in different legal systems reflect diverse approaches to balancing procedural speed and substantive justice. In civil-law systems, the principle of concentration has emerged as a key instrument for judicial time

management. France is recognized as one of the most successful models, having systematically expanded the principle of concentration after 2006 (Gutsunaeva, 2021). This model emphasizes preventive and procedural concentration and requires the parties to raise all evidence, claims, and objections at the early stages. Failure to comply with this obligation is accompanied by strong sanctions such as inadmissibility and directs proceedings toward unity and efficiency.

By contrast, some other systems, such as Germany and Italy, implement concentration with greater flexibility. In Germany, the principle of concentration is strong at first instance, but the possibility of raising new claims on appeal is limited yet still exists (Cadiet, 2007). This approach creates a greater balance between substantive justice and speed and prevents overly rigid concentration. In common-law systems, such as England, concentration appears through judicial case management and less as an absolute obligation imposed on the parties; rather, the judge manages time by setting schedules and structuring the proceedings.

In developing countries or transitional legal systems, the implementation of the principle of concentration is often accompanied by challenges. In some countries, concentration is weakly implemented because of a shortage of judicial resources and a high volume of cases, resulting in greater delay. By contrast, the French model, as a successful model, emphasizes continuous legislative reforms and strengthening the role of the judge (Fathi, 2024). These models show that the success of the principle of concentration depends on various factors, including legal culture, judicial resources, and the level of training of the parties. A successful system is one that combines concentration with sufficient flexibility so that substantive justice is not sacrificed to speed.

3.1.1. Contractual and Procedural Approaches in the Successful French System

The French approach to the principle of concentration is a combination of contractual obligations, relating to the parties, and procedural obligations, relating to the judge and the court. In this system, concentration is preventive and requires the parties to submit all evidence and grounds at first instance (Davakan, 2017). The 2006 decision of the Plenary Assembly of the Court of Cassation transformed this obligation into a general principle and associated non-compliance with the

sanction of inadmissibility. This contractual approach compels the parties to design their litigation strategy fully from the outset and to avoid delaying conduct.

The procedural approach also plays a key role. The judge, as case manager, has extensive power to set time limits, structure pleadings, and control the process. At the appellate stage, the concentration of claims and objections is accompanied by short time limits, and a new claim submitted after the expiry of the time limit is not accepted (Lajošová, 2024). The reforms of 2017 and 2019 to the Code of Civil Procedure strengthened this approach and turned concentration into a guiding principle. In necessary cases, the judge may accept new evidence or conduct supplementary investigations in order to preserve the balance between speed and justice. This dual approach explains the success of France. The contractual obligation makes the parties responsible, while the procedural approach provides the necessary flexibility. The result is a significant reduction in the duration of proceedings and an increase in system efficiency, while the parties' right to a full defense is also preserved (Pernici et al., 2024). The French model shows that successful concentration requires combining obligations imposed on the parties with the judge's supervisory power.

3.1.2. *The Role of Legal Frameworks and Recent Reforms of the French Code of Civil Procedure*

French legal frameworks play a central role in implementing the principle of concentration. The Code of Civil Procedure, as the principal instrument, has institutionalized the principle of concentration in various provisions, including provisions relating to first instance and appeal. The 2006 Césaréo decision transformed the concentration of evidence into a general obligation, and the 2017 reforms under Decree No. 2017-891 and the 2019 reforms under Decree No. 2019-1333 expanded this principle (Richter, 2023).

Recent reforms strengthened concentration at the appellate stage. Short time limits for filing notices of appeal, the obligation to structure pleadings, and the concentration of claims and objections prevent appeal from becoming a new stage. These reforms, aimed at reducing delay and increasing efficiency, turned the principle of concentration into a systematic instrument (Plissonnier, 2022). The role of the judge in case management was also strengthened, and judicial

authority to set schedules and control the process increased.

French legal frameworks have accompanied the principle of concentration with complementary principles, including procedural loyalty and speed. This combination establishes a balance between substantive justice and procedural efficiency. Recent reforms show that concentration is a dynamic principle that evolves in response to the needs of the legal community. This model provides a successful example for other systems seeking to reduce delay and increase efficiency.

3.2. *The Effects of the Principle of Concentration on Procedural Efficiency and Reduction of Delay in Comparative Systems*

In comparative systems, the principle of concentration has positive effects on procedural efficiency and the reduction of delay. In France, the concentration of evidence and claims has reduced the duration of first-instance proceedings and prevented cases from moving to higher stages without necessity (Gutsunaeva, 2021). Temporal and procedural concentration, through strict time limits, has also made the process more orderly and restricted delaying conduct.

Compared with other systems, France has achieved greater success in reducing the duration of proceedings. In Germany, first-instance concentration is strong, but appeal is more flexible, which creates a good balance (Cadiet, 2007). In developing systems, concentration is weaker and delay is more visible. By requiring early submission, the principle of concentration reduces costs and increases public trust.

Nevertheless, negative effects also exist. Excessive concentration may restrict the right of defense and harm substantive justice. In France, limited exceptions reduce this risk (Fathi, 2024). In comparative systems, successful concentration is one that increases efficiency without sacrificing justice. Through time management, this principle reduces delay and enhances procedural efficiency.

3.3. *Common Challenges and Fundamental Differences in Comparative Experiences*

The common challenges in implementing the principle of concentration include the risk of restricting the right of defense, shortage of judicial resources, and cultural resistance. In France, strict concentration sometimes

threatens substantive justice (Mohammadzadeh Vadeghani & Heydari, 2024). In other systems, the lack of training of parties and the high volume of cases make implementation of concentration difficult.

The fundamental distinctions lie in the intensity and flexibility of concentration. France emphasizes preventive concentration and strong sanctions, whereas some systems show greater flexibility (Lajošová, 2024). Another distinction concerns the role of the judge; in France, the judge is the case manager, while in some systems the judge has a more passive role.

These challenges and distinctions show that the success of concentration depends on cultural factors, resources, and the design of sanctions. A successful system is one that preserves the balance between speed and justice.

3.4. Comparative Evaluation of the Relationship among the Balance of the Principle of Concentration, Judicial Justice, and Procedural Speed/Order

A comparative evaluation of the relationship among the principle of concentration, judicial justice, and procedural speed/order shows that the success of this principle depends on the intensity and flexibility of its implementation (Gutsunaeva, 2021). In French law, the principle of concentration, as a systematic and preventive instrument, has created a relatively good balance between judicial justice and procedural speed/order. The concentration of evidence and grounds at first instance, together with strict time limits on appeal, significantly reduces the duration of adjudication and prevents unjustified delay. This approach, through strong sanctions such as inadmissibility, strengthens procedural order and increases the overall efficiency of the judicial system (Cadet, 2007). However, overly strict concentration may threaten substantive justice; if a party fails to submit key evidence at the initial stage because of omission, limited resources, or the complexity of the dispute, that party may be deprived of the right of defense and substantive justice may be harmed.

By contrast, the Iranian legal system implements the principle of concentration implicitly and with greater flexibility. Article 199 of the Code of Civil Procedure, by granting the judge broad authority to investigate beyond the evidence submitted by the parties, preserves the possibility of discovering the truth and prevents absolute concentration (Fathi, 2024). This flexibility strengthens substantive justice and guarantees the right to a full

defense, but it often leads to procedural delay, inconsistency in practice, and increased costs. By comparison, France prioritizes speed and order through preventive concentration and strong sanctions, whereas Iran prioritizes substantive justice and sacrifices speed. The comparative evaluation shows that the balance achieved in France is more successful; systematic concentration reduces delay and increases efficiency, while limited exceptions, such as unforeseeable new evidence, and the judge's case-management power preserve substantive justice (Mohammadzadeh Vadeghani & Heydari, 2024). In Iran, judicial flexibility strengthens justice, but the absence of express concentration and balanced sanctions weakens order and speed. The French model shows that successful balance requires the combination of preventive obligations imposed on the parties, judicial supervisory power, and reasonable exceptions.

Ultimately, the balance among the principle of concentration, judicial justice, and procedural speed/order depends on cultural factors, judicial resources, and the design of sanctions. France, with strong but balanced concentration, provides a successful model that can inspire Iran; Iran can increase speed and order without sacrificing substantive justice by strengthening express concentration at the early stages and determining clear sanctions. This balance not only enhances procedural efficiency but also strengthens public trust in justice and reduces delay as one of the main problems of the judicial system.

4. Challenges and Solutions of the Principle of Concentration in Iranian Civil Procedure

The principle of concentration in the Iranian civil-procedure system is implemented implicitly and with high judicial flexibility, and it lacks an express definition, preventive obligation, and strong sanctions. This situation entails serious challenges such as procedural delay, inconsistency in judicial practice, increased costs, and weakening of procedural order. While the flexibility of Article 199 of the Code of Civil Procedure preserves substantive justice, the absence of balanced concentration reduces speed and efficiency. This chapter examines the legal and procedural status of the principle of concentration in Iran, legislative and procedural challenges, the consequences of imbalance for delay and the quality of justice, a proposed domestic model for

balanced implementation, and the legislative and procedural requirements for enhancing the balance among justice, speed, and procedural order. This analysis provides a basis for practical proposals and reforms.

4.1. The Legal and Procedural Status of the Principle of Concentration in the Iranian Code of Civil Procedure

In the Iranian legal system, the principle of concentration is not expressly stated as an independent principle in the Code of Civil Procedure of the Public and Revolutionary Courts, adopted in 2000 with subsequent amendments, but its elements can be traced in several provisions of the Code. Article 199 of this Code, which allows the judge to investigate and examine evidence beyond what the parties have submitted, creates significant flexibility and prevents absolute and rigid concentration (Fathi, 2024). Based on the foundations of Imami jurisprudence and the principle of truth-seeking, this article authorizes the judge to discover the truth and renders concentration implicit and non-mandatory. In addition, Articles 51 and 93 of the Code provide for the obligation to file the petition and statement of defense at the early stages, which indicates the legislature's attempt to establish unity of adjudication and prevent disorder (Mohammadzadeh Vadeghani & Heydari, 2024).

From a procedural perspective, Iranian courts implement the principle of concentration in practice with greater flexibility. Judicial practice, especially decisions of the Supreme Court, encourages the concentration of evidence at first instance, but permits the submission of new evidence on appeal in necessary cases, such as newly discovered evidence. Unlike France, this approach is less preventive and relies more on judicial discretion. For example, in complex commercial or administrative disputes involving long-term litigation, courts often grant additional time limits for submitting evidence in order to preserve substantive justice, but this sometimes leads to delay (Kazemi, 2018).

The legal status of the principle of concentration in Iran is influenced by constitutional principles, such as Principle 34 on access to the court and Principle 165 on public hearings. The Code of Civil Procedure implicitly provides for concentration in Articles 93, concerning closure of arguments at the hearing, and 199, concerning judicial investigation, but the absence of strong sanctions such as inadmissibility weakens its implementation. In practice, courts apply concentration more at first

instance, but are more flexible on appeal in order to avoid violating the right of defense. This situation has turned the principle of concentration into an instrument for preserving substantive justice, while weakening speed and order (Safaei & Razi, 2020).

Compared with France, where the principle of concentration is implemented contractually, through the obligation of the parties to submit all evidence and claims, and procedurally, through active case management by the judge and strict time limits, and where these two approaches are combined to systematically strengthen procedural speed and order, the Iranian legal system views the principle of concentration more from a judicial and discretionary perspective.

4.2. Legislative and Procedural Challenges in Implementing Concentration in the Iranian System

The legislative challenges in implementing the principle of concentration in Iran mainly arise from the absence of an express definition and balanced sanctions. The Code of Civil Procedure provides for concentration implicitly, but provisions such as Article 199 grant excessive flexibility to the judge, which may lead to inconsistency in judicial practice (Sabeti, 2024). The failure to provide strong sanctions such as inadmissibility for failure to submit evidence within the initial time limit makes concentration non-mandatory and encourages the parties to delay. In addition, recent reform bills, such as the 2024 bill of the Council of Ministers, have not strengthened concentration and have focused more on digitalization, thereby intensifying the legislative challenge (Dabiri Qasr-Assemi & Moloudi, 2025).

From a procedural perspective, the main challenge is the high volume of cases and the shortage of judicial resources. Courts often grant additional time limits in order to preserve substantive justice, but this leads to unjustified delay. Supreme Court practice encourages concentration at first instance, but allows new evidence on appeal, thereby disrupting order (Bafahm et al., 2024). Lack of training for lawyers and parties also creates a procedural challenge; many lawyers design litigation strategy gradually and avoid concentration.

These challenges have weakened the principle of concentration in Iran and reduced procedural speed. Resolving them requires legislative reform, including an express definition of concentration and balanced

sanctions, as well as procedural reform, including training and strengthening judicial case management. Legislative and procedural challenges indicate the need to draw on successful models such as France so that concentration can be implemented in Iran in a more balanced manner.

4.3. *Consequences of the Lack of Balanced Concentration for Procedural Delay and the Quality of Judicial Justice in Iran*

The lack of balanced concentration in the Iranian civil-procedure system has serious negative consequences for procedural delay and the quality of judicial justice. In the absence of an express and preventive obligation to submit all evidence, claims, and objections in a single and timely manner, the parties to a dispute often raise their evidence and arguments gradually and in stages. Whether caused by defensive strategy or lack of awareness, this conduct prolongs the adjudication process and confronts the court with repeated investigations and rehearing of evidence (Fathi, 2024). The result is a significant increase in the duration of proceedings; cases that could have been concluded within a few months sometimes last several years and intensify the high volume of incoming cases, exceeding 15 million annually (Mohammadzadeh Vadeghani & Heydari, 2024).

From the perspective of the quality of judicial justice, the lack of balanced concentration has two opposing effects. On the one hand, the flexibility of Article 199 of the Code of Civil Procedure and the judge's broad authority to investigate beyond the evidence submitted by the parties strengthen substantive justice and preserve the possibility of discovering the truth. This feature is compatible with jurisprudential foundations and prevents deprivation of a party's right of defense (Safaei & Razi, 2020). On the other hand, the absence of sufficient concentration weakens procedural justice; procedural order is disrupted, delaying conduct, such as the late submission of evidence to prolong the process, increases, and the efficiency of the judicial system declines. This situation raises the material and non-material costs of the parties, weakens public trust in justice, and creates difficulties for effective access to the court within a reasonable time under Principle 34 of the Constitution (Bafahm et al., 2024).

Ultimately, the lack of balanced concentration turns delay into a structural problem and creates an imbalance in the quality of justice; substantive justice is preserved to some extent, but procedural justice and procedural speed are seriously harmed. To address these consequences, balanced concentration with clear sanctions and limited flexibility is required, so that delay is reduced without sacrificing substantive justice.

4.4. *Presenting a Proposed Domestic Model for the Balanced Implementation of the Principle of Concentration in Iran*

The proposed domestic model for the balanced implementation of the principle of concentration in the Iranian civil-procedure system combines French preventive concentration with Iranian judicial flexibility in order to establish a balance among substantive justice, speed, and procedural order. This model is proposed at three levels: legislative, procedural, and executive. At the legislative level, the principle of concentration should be expressly defined in the Code of Civil Procedure. It is proposed that a new article be added to the Code requiring the parties to submit all claims, evidence, and objections at first instance. The sanction for non-compliance with this obligation should be the inadmissibility of new claims or evidence at later stages, but with limited exceptions, such as newly discovered or unforeseeable evidence, so that substantive justice is not harmed (Fathi, 2024). These sanctions should be balanced; for instance, the judge should be able, in necessary cases, to grant a limited additional time or accept new evidence so that jurisprudential flexibility is preserved. At the procedural level, the role of the judge should be strengthened. The judge, as case manager, similar to the *juge de la mise en état* in France, should set a precise schedule and supervise the structure of pleadings. Training lawyers and parties to design a complete strategy from the outset is essential. Using the judiciary's electronic system to register evidence and claims within the initial time limit facilitates concentration (Mohammadzadeh Vadeghani & Heydari, 2024). At the executive level, internal guidelines for courts, supervision by the Supreme Court over the balanced implementation of concentration, and periodic evaluation of court performance are recommended. This domestic model is compatible with jurisprudential foundations, namely truth-seeking, and transforms

concentration from a discretionary practice into a balanced obligation. The result would be reduced procedural delay, increased efficiency, and preservation of substantive justice. Implementation of this model requires legal reform and training so that Iran can draw inspiration from the successful French model without losing its judicial flexibility.

4.5. Legislative and Procedural Requirements for Enhancing the Balance among Justice, Speed, and Procedural Order

To enhance the balance among judicial justice, speed, and procedural order in the Iranian system, the following legislative and procedural requirements are proposed. At the legislative level, the principle of concentration must be expressly defined in the Code of Civil Procedure. It is proposed that a new article be added requiring the parties to present all claims, evidence, and objections at first instance. The sanction for non-compliance with this obligation should be the inadmissibility of new claims or evidence at later stages, but with limited exceptions, such as newly discovered or unforeseeable evidence, so that substantive justice is not harmed (Fathi, 2024). In addition, precise and non-extendable time limits, subject to exceptional extension by the judge, should be established by law in order to strengthen temporal concentration. At the procedural level, the role of the judge should be strengthened as case manager, similar to the French model. The judge should set a precise schedule, supervise the structure of pleadings, and prevent repeated investigations (Mohammadzadeh Vadeghani & Heydari, 2024). Continuous training of judges and lawyers in designing a complete strategy from the outset is essential. Maximum use of the judiciary's electronic system to register evidence and claims within the initial time limit facilitates concentration and enables monitoring of compliance with time limits. Supervision by the Supreme Court over the balanced implementation of concentration and periodic evaluation of court performance are also necessary.

These legislative and procedural requirements transform the principle of concentration from a discretionary practice into a balanced obligation. The result would be a significant reduction in procedural delay, increased efficiency of the judicial system, and preservation of substantive justice. Implementation of

these requirements requires coordination among the legislative, judicial, and executive branches so that Iran can draw inspiration from the successful French model without losing its judicial flexibility and jurisprudential foundations (Safaei & Razi, 2020). This balance not only enhances speed and order but also strengthens public trust in justice.

5. Conclusion

Compared with France, where the principle of concentration is implemented contractually, through the obligation of the parties to submit all evidence and claims, and procedurally, through active case management by the judge and strict time limits, and where these two approaches are combined to systematically strengthen procedural speed and order, the Iranian legal system views the principle of concentration more from a judicial and discretionary perspective. In Iran, concentration mainly depends on the judge's discretion, especially under Article 199 of the Code of Civil Procedure, which permits investigation and examination of evidence beyond what the parties have submitted. This approach provides considerable flexibility for discovering the truth and preserving substantive justice, but it lacks the strong preventive contractual obligations that exist in France. This difference in approach intensifies serious challenges in the Iranian system. The high volume of cases, exceeding 15 million annually in recent years, is one of the most important of these challenges. When concentration is not mandatory and preventive, and the judge must decide in each case whether to accept new evidence, the adjudication process becomes longer, repeated investigations increase, and procedural time limits become practically uncontrollable. This situation has turned procedural delay into a structural problem and reduced the overall efficiency of the judicial system. Nevertheless, Iran's judicial and flexible approach is fully compatible with jurisprudential foundations. In Imami jurisprudence, emphasis on discovering the truth and substantive rights takes priority, and the judge, as a judicial authority, is responsible for finding the reality, not merely being limited to what the parties have submitted. This foundation justifies the flexibility of Article 199 and allows the judge, where necessary, to conduct supplementary investigations so that substantive justice is not sacrificed. Therefore, the

Iranian system views the principle of concentration more as an instrument for substantive justice than procedural efficiency. This difference reflects the tension between two fundamental objectives of adjudication: speed and order, which France prioritizes, and substantive justice, which Iran emphasizes. France, with strong contractual and procedural concentration, reduces delay but carries the risk of restricting the right of defense; Iran, with judicial concentration, preserves the right of defense but intensifies delay. Balancing these two approaches requires reforms that make concentration in Iran more explicit and balanced, for example, by legally defining concentration, determining clear sanctions, and preserving judicial flexibility for necessary cases. Such a balance can reduce delay, increase efficiency, and preserve substantive justice. Ultimately, if the principle of concentration in Iran is implemented by drawing on the French model while preserving jurisprudential foundations, it can lead to faster, more orderly, and fairer proceedings. This change would not only manage the challenge of case volume but also strengthen public trust in the judicial system.

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.

References

- Bafahm, M., Fahimi, A., & Hasanzadeh, M. (2024). Criterion and Standard of Abuse of Right in Iranian and French Civil Proceedings. *Contemporary Comparative Legal Studies*, 15(35), 1-32. <https://doi.org/10.22034/law.2024.58101.3312>
- Cadiet, L. (2007). Introduction to French Civil Justice System and Civil Procedural Law. *Ritsumeikan Law Review*, 28.
- Dabiri Qasr-Assemi, M., & Moloudi, M. (2025). A Comparative Study of the Foundations for Determining Sanctions in Civil Proceedings in Iranian and French Law. *Comparative Law Research Quarterly*, 9(3), 109-120. <https://doi.org/10.22080/lps.2024.27161.1639>
- Davakan, M. R. (2017). La concentration des moyens en droit processuel: entre construction et déconstruction, retour sur un arrêt endurent.
- Fathi, B. (2024). Unity of Origin in Iranian and French Civil Proceedings. *Private Law Studies*, 54(3), 415-446. <https://doi.org/10.22059/jlq.2024.373800.1007880>
- Gutsunaeva, A. (2021). *Le principe de concentration en procédure civile* [Université Côte d'Azur]. <https://theses.fr/2021COAZ0014>
- Kazemi, A. (2018). The Principle of Concentration in Civil Procedure. *Journal of Law, University of Isfahan*, 5(2), 145-159. <https://doi.org/10.22108/law.2018.23108>
- Lajošová, I. (2024). Judicial and Legal Concentration of Proceedings in the Context of Evidence-Taking. *Legestic*, 2, 24-33. <https://doi.org/10.5219/legestic.10>
- Mohammadzadeh Vadeghani, A., & Heydari, N. (2024). The Rule of Res Judicata and Its Evolution through the Rules of Concentration of Claims and Grounds in French Law. *Private Law Studies*, 54(2), 239-260. <https://doi.org/10.22059/jlq.2024.364294.1007794>
- Mohseni, H. (2016). *Civil Procedure: Comparative Law, Volumes One and Two*. Sherkat-e Sahami Enteshar Publications.
- Pernici, B., Bono, C. A., Piro, L., Del Treste, M., & Vecchi, G. (2024). Improving the Analysis of the Judiciary Performance: The Use of Data Mining Techniques to Assess the Timeliness of Civil Trials. *International Journal of Public Sector Management*, 37(1), 59-76. <https://doi.org/10.1108/IJPSM-02-2023-0058>
- Plissonnier, M. (2022). Concentration et procès civil.
- Richter, A. C. (2023). L'absence d'obligation de concentration des demandes en matière de réparation du préjudice, bis repetita.
- Saberi, R. (2024). Challenges and Solutions for Avoiding Concentration-Oriented Approaches in Iranian Administrative Proceedings: With a View to the French Model. *Comparative Public Law*, 1(3), 65-92. <https://doi.org/10.22091/cpl.2024.11241.1033>
- Safaei, S. H., & Razi, S. (2020). Civil Liability of Judges and Its Evolution in Iranian and French Jurisprudence and Law. *Comparative Research on Islamic and Western Law*, 7(3), 121-148. <https://doi.org/10.22091/csiw.2020.4542.1605>