

Evidence Acquisition in Iranian Criminal Law and Its Relationship with the Fundamental Principles of Fair Trial

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Evidence plays a crucial role in both civil and criminal proceedings. In fact, the function of evidence leads to the discovery of truth and reality, which may have individual and social implications. Evidence constitutes the means of proof in judicial proceedings. The present study is based on a descriptive–analytical method and documentary research using up-to-date library and internet sources. In the Iranian legal system, evidence acquisition is regarded as one of the fundamental pillars of the criminal process, and its role in the realization of criminal justice and the establishment of criminal liability is undeniable. In Iranian law, evidence acquisition is not merely a procedural or formal act; rather, it constitutes an independent legal institution and instrument which, through adherence to legal, Islamic jurisprudential, and human rights principles, guarantees the validity and legitimacy of judicial proceedings and serves as the basis for judicial decision-making in criminal cases. Within this framework, evidence acquisition is examined from both substantive and procedural perspectives. From a substantive standpoint, evidence acquisition concerns the quality, accuracy, and evidentiary value of proof and ensures that the collected evidence is precise, reliable, and effective in uncovering the truth. This substantive dimension demonstrates that evidence acquisition extends beyond a purely physical or formal procedure and requires the analysis, evaluation, and validation of evidence in pursuit of the factual realities of the crime. On the other hand, the procedural dimension of evidence acquisition relates to compliance with legal formalities and rules of criminal procedure, timing requirements, territorial jurisdiction, and the protection of the rights of the parties to the proceedings. Strict observance of this procedural aspect prevents the acquisition of unlawful evidence, the exertion of undue pressure on the accused, and violations of defense rights, thereby ensuring the legitimacy of the judicial process. This distinction between the substantive and procedural dimensions enables a more comprehensive analysis of the evidence acquisition process and facilitates the assessment of its strengths and weaknesses in achieving criminal justice.

Keywords: Evidence Acquisition, Iranian Criminal Law, Fair Trial.

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1. Introduction

Today, the status and significance of evidence in litigation, especially in criminal proceedings, cannot be overlooked or treated with leniency. Evidence

acquisition must not serve as an instrument for confirming accusatory presumptions; rather, it should be understood as a means of impartial discovery of reality. This approach prevents the criminal process from becoming an instrument of repression or unilateral



exercise of power and instead transforms it into a mechanism for realizing fairness and public trust. In this regard, the procedural nature of evidence acquisition is one of the important and fundamental dimensions in analyzing evidence acquisition in criminal law, playing a direct role in guaranteeing fair trial and the legitimacy of judicial decisions (Salimi, 2015). The procedural nature of evidence acquisition not only ensures respect for the rights of the accused and the complainant, but also provides the basis for the validity and admissibility of evidence in court and plays an important role in the realization of judicial justice. From a procedural perspective, evidence acquisition consists of a set of measures carried out in compliance with legal formalities and in accordance with the rules of criminal procedure. These measures include collecting documents, recording the statements of the accused and witnesses, conducting expert examinations, inspecting the crime scene, and carrying out any investigative operation under the supervision of judicial authorities. The importance of the procedural dimension of evidence acquisition lies in the fact that any violation of legal procedures and forms calls the legitimacy of evidence into question and restricts its use in criminal proceedings. In other words, without observance of its procedural nature, evidence, even if substantively valid, may be considered legally and judicially devoid of value. The substantive nature of evidence acquisition is another key and fundamental dimension in analyzing evidence acquisition in criminal law and complements its procedural nature. The substantive nature concerns the content, quality, and actual validity of the collected evidence and proof and plays an essential role in discovering the truth and achieving criminal justice. This substantive dimension ensures that evidence is not only collected in a lawful and formal manner but is also valid in terms of accuracy, relevance to the subject matter of the dispute, reliability, and probative force, and can support a fair judicial decision grounded in reality. On the other hand, fair trial encompasses a set of principles and rules designed to protect the rights of the parties in the adjudication of their dispute. Within such a trial, evidence, as the focal point of criminal proceedings, must not only be legitimate and lawful in itself, but the method of acquiring and applying it must also be subject to the principle of legitimacy in the acquisition of criminal evidence. Punishing offenders in society, although one of

the fundamental objectives of criminal procedure, must not justify the use of any instrument or means, because unlawful methods can never be characterized as fair or just; in such circumstances, speaking of a fair trial is itself unjust. Accordingly, a criminal justice system that seeks to realize justice and fair trial cannot focus only on the result of obtaining evidence while neglecting the methods through which it is acquired. Therefore, the starting point for guaranteeing fair trial is observance of the principles and rules governing criminal evidence, especially at the stage of its acquisition and use in criminal proceedings. Thus, the effect of evidence acquisition on the realization of fair trial in Iran must be examined. Legitimate and lawful evidence acquisition not only contributes to discovering the truth of the crime, but also protects the rights of the accused and guarantees the transparency and legitimacy of judicial decisions. Therefore, analysis of the process of evidence acquisition in Iran must be conducted within the framework of legal criteria and the principles of fair trial, with attention to international human rights standards, so that weaknesses and opportunities for improvement can be identified. Accordingly, given the importance of the research subject, this study examines evidence acquisition in Iranian criminal law from substantive and procedural perspectives and its relationship with the fundamental principles of fair trial.

2. Theoretical Foundations

2.1. The Concept of "Evidence Acquisition"

The concept of "evidence acquisition" in criminal law is one of the most fundamental concepts that plays a decisive role in the process of discovering the truth, guaranteeing the rights of the parties, and realizing fair trial. Evidence acquisition means the set of lawful, judicial, and regulated measures undertaken by competent authorities for the purpose of collecting, identifying, recording, preserving, and presenting evidence related to the commission of a crime and its attribution to the accused. This concept does not merely refer to the physical or material collection of evidence; rather, it includes all mental, legal, and executive processes that begin at the stage of crime detection and continue until the final evaluation of evidence by the judicial authority. From this perspective, evidence acquisition may be regarded as the link between

objective realities and the legal system, enabling social reality to be transformed into judicial truth. In substantive analysis, evidence acquisition is based on the fundamental assumption that no fair criminal decision is possible without access to valid, legitimate, and reliable evidence. In order for the criminal justice system to establish a balance among maintaining public order, protecting victims, and safeguarding the rights of the accused, it must necessarily organize the process of evidence acquisition within the framework of precise and predetermined rules. Thus, evidence acquisition is not a merely technical or administrative act, but a legal and normative process whose legitimacy depends on compliance with legal, ethical, and human principles. Any deviation from this framework can undermine the validity of evidence and impair judicial justice (Pour Ostad, 2012).

From a legal perspective, evidence acquisition is directly related to the fundamental principles of criminal proceedings, including the principle of legality, the presumption of innocence, the privilege against self-incrimination, the principle of respect for human dignity, and the principle of equality of arms. Within this framework, investigative and prosecutorial authorities are required, during the collection of evidence, to refrain from any unlawful, coercive, or rights-violating measure. The use of unlawful methods such as coercion, threats, deception, torture, or violation of privacy, although it may lead to an apparent discovery of truth, is legally invalid and conflicts with the philosophy of fair trial. Therefore, evidence acquisition must always be realized within the context of legitimacy and legality. In contemporary legal systems, evidence acquisition is regarded as a dynamic and multi-stage process that includes the initial detection of crime, collection of traces and indications, hearing of statements, conduct of technical and expert investigations, recording of documents, and ultimately the evaluation and confirmation of evidence. Due to its technical and legal complexities, this process requires expertise, impartiality, and continuous judicial supervision. In this regard, the roles of the judge, prosecutor, judicial officers, and official experts in evidence acquisition are regulated in such a way as to prevent concentration of power, possible abuse, and violation of defense rights (Farokhsheh, 2006).

On the other hand, the concept of evidence acquisition also has a value-based and philosophical dimension. In the philosophy of criminal law, the ultimate purpose of evidence acquisition is not merely to prove guilt, but to reach truth within the framework of justice. In other words, evidence acquisition must not be a tool for confirming accusatory presumptions; rather, it must be regarded as a means for the impartial discovery of reality. This approach prevents the criminal process from becoming a means of repression or unilateral exercise of power and instead transforms it into a mechanism for realizing fairness and public trust. In the Iranian legal system, evidence acquisition has been shaped under the influence of jurisprudential teachings, constitutional principles, and the rules of criminal procedure. In this system, the legitimacy of evidence and the manner of acquiring it are directly connected to Sharia and legal standards, and any evidence acquired through unlawful means is regarded as lacking probative value. This reflects the special position of ethics and justice in the process of evidence acquisition. By contrast, in the legal system of the United States of America, evidence acquisition is strongly influenced by constitutional principles, particularly amendments related to the rights of the accused and the prohibition of unlawful search and seizure. In that system as well, the exclusionary rule plays an important role in regulating the process of evidence acquisition.

The nature of "evidence acquisition" in criminal law, as one of the main pillars of the judicial system, is a multidimensional concept that simultaneously possesses practical, legal, and value-based aspects. This concept does not simply mean the physical collection or gathering of information related to the commission of a crime; rather, it is defined as a systematic and organized process whose purpose is to reach judicial truth, guarantee justice, and protect the rights of the parties. Within this framework, evidence acquisition is an essential stage in the criminal process that transforms objective realities and suspicions into information capable of being relied upon by the judicial authority and thereby enables the issuance of fair and reasoned decisions. The nature of evidence acquisition can be analyzed from several perspectives. From a legal perspective, evidence acquisition is a legitimate and lawful act carried out under the supervision of competent authorities and must be conducted in

accordance with the principles of fair trial, human dignity, and the rights of the accused. In this sense, any unlawful measure or violation of the fundamental rights of individuals not only eliminates the legitimacy of evidence, but may also undermine the entire judicial process. From a practical perspective, evidence acquisition includes a set of coherent and coordinated activities among judicial officers, the prosecutor, the judge, and experts, and involves collecting, recording, preserving, and presenting evidence in a manner that makes it admissible in court. From a value-based and philosophical perspective, evidence acquisition is an instrument for realizing justice and guaranteeing public trust in the judicial system, and it must always maintain a balance between discovering the truth and protecting individual rights (Farokhsheh, 2006).

Evidence acquisition in the criminal system consists of specific and continuous stages, each of which plays a particular role in the quality and legitimacy of the process. The first stage is the stage of crime detection, in which the occurrence of a crime or an initial suspicion is identified and preliminary measures for gathering traces and indications begin. This stage includes preliminary inspections, recording the crime scene, identifying informed persons and judicial officers, and collecting initial information; its quality can directly affect the course of subsequent investigations. The second stage is the stage of prosecution and preliminary investigation, which includes interrogations, taking statements from the accused and witnesses, conducting specialized expert examinations, and recording legal documents. This stage plays a key role in forming the case file and determining the judicial direction of the case, and observance of legal principles in it is of vital importance. The third stage is the presentation and evaluation of evidence in court, in which the collected evidence is formally presented to the judicial authority and the judge or jury decides on the basis of criteria of validity and admissibility. This stage not only determines the outcome of evidence acquisition, but also provides the final criterion for the legitimacy and sufficiency of the process of proving the crime. However, evidence acquisition must be distinguished from closely related concepts, because in criminal literature, terms such as "collection of evidence," "crime detection," and "evaluation of evidence" are also used and are sometimes mistakenly substituted for evidence acquisition.

Collection of evidence mainly means physical and operational activities for gathering documents, traces, and statements, and by itself does not include compliance with legal criteria and judicial supervision. Crime detection is the initial stage of identifying and recognizing the occurrence of a crime and focuses more on identifying the suspect and the criminal act than on proving it. Evaluation of evidence is the stage in which the judge or jury analyzes and assesses the presented evidence in order to determine its validity, legitimacy, and probative capacity. By comparison, evidence acquisition is a broader concept that encompasses these stages, establishes integration among crime detection, evidence collection, and evidence evaluation, and ensures that all evidence-related measures are carried out through lawful and legitimate channels (Allen et al., 2025).

From a theoretical perspective, this distinction is particularly important because the quality and legitimacy of the judicial process depend on the manner of evidence acquisition, and any weakness in this area can lead to judicial error, violation of the rights of the accused, or public distrust in the justice system. By linking practical measures, legal rules, and judicial evaluation, evidence acquisition ensures that the outcome of proceedings is not merely the product of executive efforts, but the result of a coherent, legitimate, and fair legal process. This feature distinguishes evidence acquisition from other related measures and turns it into the central core of the realization of fair trial. In the Iranian legal system, evidence acquisition is carried out with emphasis on jurisprudential and legal principles and is always under the supervision of the judge and the prosecutor so that the rights of the accused are protected and the evidence has the necessary legitimacy for issuing a judgment. In the United States system, evidence acquisition is also carried out with respect for the rights of the accused, procedural rules, and principles concerning the admissibility of evidence, and the exclusionary rule ensures that the judicial process is always conducted within the framework of justice and law. This comparative analysis shows that evidence acquisition is a concept beyond technical and practical measures and plays a central role in guaranteeing the quality and legitimacy of the criminal system (Tadin, 2009).

2.2. *The Procedural Nature of Evidence Acquisition*

The procedural nature of evidence acquisition is one of the important and fundamental dimensions in analyzing evidence acquisition in criminal law and plays a direct role in guaranteeing fair trial and the legitimacy of judicial decisions. This concept examines the manner, form, and legal and procedural mechanisms of acquiring evidence and particularly emphasizes that the collection of evidence and documents must take place within the framework of criminal procedure rules and under judicial supervision. The procedural nature of evidence acquisition not only ensures respect for the rights of the accused and the complainant, but also provides the basis for the validity and admissibility of evidence in court and plays an important role in the realization of judicial justice. From a procedural perspective, evidence acquisition consists of a set of measures carried out in compliance with legal formalities and in accordance with procedural rules. These measures include collecting documents, recording statements of the accused and witnesses, conducting expert examinations, inspecting the crime scene, and any investigative operation under the supervision of judicial authorities. The importance of the procedural dimension of evidence acquisition lies in the fact that any violation of legal procedures and forms calls the legitimacy of evidence into question and restricts its use in criminal proceedings. In other words, without observance of its procedural nature, evidence, even if substantively valid, may be considered legally and judicially devoid of value.

In the Iranian legal system, criminal procedure places considerable emphasis on observance of the procedural nature of evidence acquisition. All stages of evidence collection, from interrogation to the presentation of documents in court, must be conducted in accordance with a judicial order, with respect for the rights of the accused, the presence of counsel, and the accurate recording of the measures taken. This procedural framework ensures that the process of evidence acquisition is conducted fairly, transparently, and reviewably, and prevents any unlawful action or pressure against the accused. Consequently, the procedural nature of evidence acquisition not only contributes to the legitimacy of evidence, but also guarantees protection of the defense rights of the accused and provides a foundation for fair trial. In the

legal system of the United States of America as well, the procedural nature of evidence acquisition is designed in a precise and systematic manner. The principles of constitutional amendments, especially the Fourth and Sixth Amendments, create a specific legal framework for the manner of evidence acquisition, interrogation, and the accused's access to counsel. In addition, rules such as the exclusionary rule ensure that any evidence collected unlawfully or in violation of the rights of the accused is excluded from the proceedings. This approach shows that observance of legal formalities and procedural mechanisms in evidence acquisition is not only necessary for the legitimacy of evidence, but is also a key element in protecting defense rights and guaranteeing criminal justice (Saleh-Ahmadi, 2020).

The procedural nature of evidence acquisition is also important from the perspective of judicial control and supervision. Continuous supervision by the judge or competent authority over the manner of collecting and recording evidence ensures that investigative measures and evidence acquisition are conducted lawfully and impartially and that the possibility of distorting reality or abusing the judicial process is minimized. This procedural aspect has a direct relationship with public trust in the judicial system and the legitimacy of judicial decisions, and it is particularly significant from social and human rights perspectives. As one of the key dimensions of the legal and theoretical nature of evidence acquisition, the procedural nature of evidence acquisition guarantees observance of legal, ethical, and juridical principles in the process of collecting evidence. Observance of procedural frameworks enhances the quality and legitimacy of evidence, protects the defense rights of the accused, and provides the basis for realizing fair trial and judicial justice. Comparative studies of the Iranian and American legal systems show that although the instruments and mechanisms may differ, the importance of observing the procedural nature of evidence acquisition as a main pillar of the legitimacy of evidence and judicial justice is emphasized in both systems; without attention to this aspect, achieving real justice and fair trial will not be possible (Aghaei Janat Makan, 2021).

The procedural and formal aspects of evidence acquisition are among the key dimensions of the procedural nature of evidence acquisition in criminal law, and their role in guaranteeing fair trial and the

legitimacy of evidence is undeniable. These aspects refer to a set of specific rules and procedures through which evidence is collected, recorded, and presented, with the aim of ensuring respect for the rights of the parties, guaranteeing impartiality in the process, and creating transparency in proceedings. Examination of these aspects shows that evidence acquisition is not limited merely to gathering information; rather, it is a legal, lawful, and procedural process whose formal observance is a prerequisite for the admissibility of evidence and the realization of criminal justice. The procedural aspects of evidence acquisition include all stages and mechanisms determined by law and procedural regulations and must be observed without defect. These stages encompass the beginning of preliminary investigations, interrogation of the accused and witnesses, inspection of the crime scene, seizure of documents and records, and the presentation and evaluation of evidence in court. Observance of legal procedures in this process means the precise implementation of judicial orders, the presence of the accused's counsel, the accurate recording of statements and documents, and respect for the human dignity of individuals. Failure to observe these procedures may undermine the legitimacy of evidence and create the conditions for violation of the accused's defense rights and the denial of judicial justice.

The formal aspects of evidence acquisition focus more precisely on the manner of implementing legal procedures and the practical arrangements for collecting evidence. These include formalities such as the manner of issuing a judicial order for search or seizure, the method of recording statements, the legally prescribed timing of interrogations, requirements concerning the presence of counsel, the order of presenting documents and expert opinions, and requirements relating to the accuracy and authenticity of evidence. Observance of formalities ensures that evidence has been collected lawfully and validly and that the accused has the possibility of legal objection or that the judge can conduct a precise review. From this perspective, formal aspects not only contribute to the legitimacy of evidence, but also guarantee the realization of criminal justice through respect for the rights of the parties. In the Iranian legal system, criminal procedure clearly specifies these procedural and formal aspects. Judicial orders for interrogation, the presence of counsel, documentation, inspection of the scene, and expert examination are

examples of procedural and formal requirements whose observance is necessary for the legitimacy of evidence acquisition. This structure, in addition to protecting the defense rights of the accused, makes the evidence acquisition process transparent, reviewable, and lawful and reduces the possibility of abuse or distortion of reality. In the legal system of the United States of America as well, the procedural and formal aspects of evidence acquisition are of special importance. Constitutional principles and amendments related to the rights of the accused, such as the Fourth and Sixth Amendments, provide precise guidelines for the manner of evidence acquisition, issuance of judicial warrants for interrogation or search, respect for defense rights, and the possibility of cross-examining evidence. These mechanisms ensure that any evidence collected is legitimate and lawful and that criminal justice is respected both procedurally and substantively (Zeraat, 2010).

2.3. *The Substantive Nature of Evidence Acquisition*

The substantive nature of evidence acquisition is another key and fundamental dimension in analyzing evidence acquisition in criminal law and complements its procedural nature. While the procedural nature of evidence acquisition emphasizes the procedural, formal, and process-based aspects of collecting evidence, the substantive nature concerns the content, quality, and actual validity of the collected evidence and proof and plays an essential role in discovering the truth and realizing criminal justice. This substantive dimension ensures that evidence is not only collected in a lawful and formal manner, but is also valid in terms of accuracy, relevance to the subject matter of the dispute, reliability, and probative force, and can support a fair judicial decision grounded in reality. From a substantive perspective, evidence acquisition includes examining the quality and accuracy of information, documents, witness statements, the accused's confession, material traces, and technical records. The substantive nature of evidence acquisition emphasizes the principle that evidence must be logically, empirically, and legally valid and capable of clarifying the reality of the crime. In other words, even if the process of collecting and presenting evidence is procedurally complete and lawful, if the evidence lacks substantive value, is unreliable, or is unrelated to the subject matter of the case, the purpose

of evidence acquisition and criminal justice will not be realized.

In the Iranian legal system, criminal procedure laws and jurisprudential teachings pay special attention to the substantive nature of evidence acquisition. The judge is required to examine the accuracy and relevance of the evidence presented to the subject matter of the dispute and to refrain from accepting any incomplete, invalid, or irrelevant material. Expert opinions, witness statements, and material documents must be accurate, documented, and reproducible in order to be used as substantively valid evidence in the judicial process. This approach ensures that the judicial decision is based on the reality of the crime and is legally valid, thereby preventing judicial errors. In the legal system of the United States of America as well, the substantive nature of evidence acquisition is of special importance. The process of collecting and presenting evidence in the United States, in addition to observing procedural and legal principles, is conducted with emphasis on the quality, validity, and probative force of evidence. Rules such as examination of witness reliability, validity of documentary evidence, and the possibility of assessing the accuracy and precision of scientific and technical evidence reflect the importance of the substantive nature of evidence acquisition in guaranteeing judicial justice. This system also uses tools such as cross-examination to assess the accuracy and reliability of evidence, which is directly related to the substantive nature of evidence acquisition. In addition to its probative aspect, the substantive nature of evidence acquisition is also connected to the legal and ethical dimensions of trial. Substantively valid evidence provides a basis for exercising the defense rights of the accused, for fair examination of the case, and for preventing unjust judgments. Moreover, observance of ethical principles and preservation of human dignity in the collection and analysis of evidence contribute to the legitimacy of the process and public trust in criminal justice (Mahdavi, 2014).

Analysis of the content-based and value-based dimensions of evidence acquisition is one of the vital aspects of examining the substantive nature of evidence acquisition in criminal law and has a direct effect on the quality of trial, the legitimacy of evidence, and the realization of criminal justice. Content-based dimensions examine the actual and substantive content of evidence and its relationship with the crime and the case, whereas

value-based dimensions emphasize the legal, ethical, and social value of evidence and its effect on human dignity, the defense rights of the accused, and public trust. These two dimensions complement each other, and only through their interaction and balance can evidence acquisition fulfill its true role in the criminal process. The content-based dimensions of evidence acquisition include the validity and probative force of each type of evidence. These dimensions seek to ensure that the collected evidence is accurate, reliable, relevant to the subject matter of the case, and capable of clarifying the truth of the crime. In other words, content-based dimensions determine the extent to which evidence can be effective in discovering the truth and presenting a real picture of the case, and whether it can support a fair judicial decision. For example, witness statements must correspond to the facts and must have been collected under legitimate conditions in order to acquire substantive validity; material evidence must be examinable and assessable; and digital or technical records must possess sufficient accuracy and precision. The value-based dimensions of evidence acquisition focus on the human rights, ethical, and social aspects of collecting and presenting evidence. Respect for the human dignity of individuals, avoidance of pressure or threats in collecting evidence, respect for the defense rights of the accused, the right of access to counsel, and transparency of the process are all part of the values considered in evidence acquisition. Evidence collected in conflict with these values, even if substantively accurate, loses its legitimacy and may undermine the judicial process. This value-based dimension also ensures that criminal justice is not applied merely formally, but is always accompanied by observance of ethical principles and respect for fundamental human rights. In the Iranian legal system, the content-based and value-based dimensions of evidence acquisition together guarantee the legitimacy of the judicial process and the validity of evidence. Criminal procedure laws require observance of legal formalities and judicial supervision and simultaneously emphasize respect for the rights of the accused and human dignity. This balance between the accuracy and precision of evidence and ethical and legal values provides the foundation for issuing a fair judgment and realizing criminal justice and minimizes the possibility of abuse or violation of the accused's defense rights (Signorelli, 2024).

In the legal system of the United States of America as well, the content-based and value-based dimensions of evidence acquisition are systematically observed. Evaluation of probative force, validity, and relevance of evidence to the subject matter of the case, alongside respect for constitutional amendments and guarantees of the accused's defense rights, indicates the interaction of these two dimensions. Mechanisms such as cross-examination, judicial supervision of interrogations, and application of the exclusionary rule ensure that evidence is both substantively valid and value-legitimate. Analysis of the content-based and value-based dimensions of evidence acquisition shows that the effectiveness of evidence acquisition is realized only when both the substantive and content quality of evidence has been secured and legal, ethical, and human values have been observed in the process of collecting and presenting it. This analysis indicates the importance of balance between the accuracy and precision of evidence and respect for the fundamental values of criminal justice, and emphasizes that any neglect of these dimensions threatens the legitimacy of trial and the quality of judicial decisions. Comparative studies of the Iranian and American legal systems show that despite procedural differences, both systems emphasize the simultaneous importance of the content-based and value-based dimensions of evidence acquisition as a main pillar of realizing real justice and guaranteeing defense rights (Tadin, 2009).

3. The Concept and Position of Evidence Acquisition in the Iranian Legal System

The concept and position of evidence acquisition in the Iranian legal system is one of the most important axes of inquiry in criminal law and is closely connected to the principles of fair trial and the discovery of the truth of the crime. Evidence acquisition is a systematic, legal, and multifaceted process whose purpose is to collect, organize, and present reliable evidence for judicial adjudication, and it plays a central role in the realization of criminal justice. In the Iranian legal system, evidence acquisition is not merely a formal and procedural measure, but an independent legal institution and instrument that, by observing legal, jurisprudential, and human rights principles, guarantees the validity and legitimacy of the judicial process and serves as the basis for judicial decision-making in criminal cases. Within this

framework, evidence acquisition is considered from two substantive and procedural dimensions. From a substantive perspective, evidence acquisition concerns the quality, accuracy, and content value of evidence and ensures that the collected evidence is precise, reliable, and effective in discovering the truth. This substantive dimension shows that evidence acquisition goes beyond a physical or formal measure and requires analysis, assessment, and validation of evidence in order to reach the realities of the crime. On the other hand, the procedural aspect of evidence acquisition concerns observance of legal and procedural formalities, timing, territorial limits, and respect for the rights of the parties. Precise observance of this aspect prevents unlawful evidence acquisition, pressure on the accused, and violation of defense rights, and guarantees the legitimacy of the judicial process (Farokhsheh, 2006).

The position of evidence acquisition in the Iranian legal system has special significance from both legal and jurisprudential-Sharia perspectives. The Constitution and criminal procedure laws of Iran provide for evidence acquisition as one of the essential instruments of truth discovery and justice guarantee, and principles such as respect for human dignity, prohibition of torture and inhuman treatment, presumption of innocence, right to defense, and equality of the parties create a binding framework for evidence collection. Jurisprudential sources, by emphasizing the necessity of justice, fairness, and respect for individual rights, also present evidence acquisition not only as legitimate but as an ethical and legal duty of judicial authorities. This combination, derived from domestic laws and jurisprudential foundations, establishes evidence acquisition as a fundamental pillar of the criminal process in Iran and transforms it into a legal institution with an independent nature. Evidence acquisition in Iran performs a multilayered role: first, it contributes to discovering the truth of the crime and providing valid evidence for the judge, thereby enabling fair judicial decision-making; second, it protects the rights of the accused and, through legal and formal limitations, prevents any coercion, pressure, or abuse in collecting evidence; third, it contributes to the legitimacy and validity of the judicial process and to public trust in the judiciary, because the evidence has been collected in accordance with legal and juridical principles and fair trial standards. Given this position, evidence acquisition in Iran is not only an

instrument for discovering the truth, but also a means of realizing fair trial and protecting individual and public rights. This process, by integrating substantive and procedural aspects, domestic laws, jurisprudential foundations, and international standards, creates a comprehensive framework for collecting and presenting valid evidence and enables critical and comparative evaluation with other legal systems, especially the legal system of the United States of America.

In the Iranian legal system, evidence acquisition has a special position as one of the fundamental pillars of the criminal process, and its role in realizing criminal justice and proving crime is undeniable. This concept is not limited merely to the collection of information or physical evidence, but is a complex legal process designed to discover the truth and reach a fair judicial decision, affecting all stages of criminal proceedings. Evidence acquisition in Iran is carried out within the framework of criminal procedure laws, special criminal statutes, constitutional principles, and jurisprudential and Sharia sources, and its nature combines substantive and procedural aspects: substantively, it concerns the value, validity, and quality of evidence; procedurally, it includes compliance with legal formalities and procedural rules and respect for the rights of the parties. The position of evidence acquisition in the Iranian criminal justice process can be analyzed from several perspectives. First, evidence acquisition is the primary instrument of truth discovery, and without it, fair judgment and precise judicial decision-making would be impossible. Evidence collected through evidence acquisition provides information about the occurrence of the crime, its quality and quantity, and the role of persons involved in the case, and it establishes a basis for determining criminal liability. Second, evidence acquisition, as an independent legal instrument, guarantees respect for the rights of the accused and the complainant. Therefore, all stages of collecting and presenting evidence must be conducted in accordance with the principles of defense rights, the right to silence, access to counsel, the presumption of innocence, the prohibition of torture and inhuman treatment, and equality of the parties. Such respect for rights legitimizes evidence and strengthens public trust in the judicial system (Khan Babaei, 2016).

Evidence acquisition in Iranian criminal law also plays a decisive role in proving crime. Any judicial decision not

based on valid and lawful evidence is not only illegitimate, but may also violate individual and public rights. For this reason, Iranian laws have established specific frameworks for collecting, preserving, presenting, and evaluating evidence in order to guarantee both the accuracy and validity of evidence and the conformity of the judicial process with fair trial and human rights standards. These frameworks include temporal, territorial, and personal limitations, observance of legal formalities, and the presence of defense counsel at sensitive stages of investigation. From a theoretical and jurisprudential perspective, evidence acquisition in Iranian criminal law is not only a legal requirement but also an ethical and social duty. Jurisprudential sources, by emphasizing justice, fairness, and respect for individual rights, present evidence acquisition as an instrument for preventing injustice and distortion of truth and have emphasized its role in realizing fair adjudication. Attention to international human rights standards also emphasizes that evidence acquisition must be accompanied by preservation of human dignity, prohibition of torture and inhuman treatment, and respect for the rights of the accused and the complainant so that the collected evidence is legitimate and reliable (Salimi, 2015).

4. The Legal Foundations of Evidence Acquisition in General Laws

The discussion of the legal foundations of evidence acquisition in general laws is one of the essential pillars in analyzing the Iranian criminal justice system, because general laws specify the practical and executive framework of evidence acquisition and transform the general principles contained in the Constitution into concrete and enforceable rules. In this regard, the most important legal source in the field of evidence acquisition is the Iranian Criminal Procedure Code, which, as the backbone of the criminal adjudication system, regulates the rules related to crime detection, preliminary investigations, evidence collection, the manner of hearing the statements of the accused and witnesses, searches, inspections, seizure of objects, and evaluation of evidence. This law seeks to establish a logical and legal balance between the necessity of discovering the truth and the need to respect the defense and human rights of individuals. By clarifying the competence of judicial authorities and judicial officers, the Criminal Procedure

Code defines the legal limits of evidence acquisition and prevents arbitrary interventions lacking a legal basis. Under this law, any measure taken to collect and acquire evidence must be based on legal authorization, under the supervision of a judicial authority, and within the framework of prescribed formalities. This approach shows that the Iranian legislator has not regarded evidence acquisition as a merely technical or administrative matter, but as a legal and sensitive process directly connected to the fundamental freedoms and rights of individuals (Dehkhoda, 1993).

Alongside the Criminal Procedure Code, certain provisions of the Islamic Penal Code also indirectly affect the process of evidence acquisition. By defining the elements of crimes, the conditions for criminal liability, and the criteria for attribution of crime, this law provides the substantive framework necessary for evidence collection. In other words, judicial officers and judicial authorities, in the course of evidence acquisition, must necessarily pay attention to the legal elements of the crime so that the collected evidence can be used effectively to prove or disprove the accusation. From this perspective, substantive and procedural laws in the field of evidence acquisition have a complementary and synergistic relationship with each other. Structurally, the general laws governing evidence acquisition provide for a staged system that begins with crime detection and continues until judgment is issued. At the stage of preliminary investigations, rules concerning interrogation, local investigation, site inspection, obtaining expert opinions, and collection of documents and records play a fundamental role in the formation of the criminal case file. At this stage, by imposing limitations such as the need to observe the right to silence, the prohibition of coercion, the necessity of informing the accused of the charge, and the right of access to counsel, the legislator has sought to harmonize evidence acquisition with the principles of fair trial.

From a legal perspective, the legal foundations of evidence acquisition in general laws are based on the principle of the legality of the criminal process. This principle requires that no evidence be acquired outside the framework of the law and that no authority has the right to depart from legal rules under the pretext of discovering the truth. In fact, by drafting precise regulations, the legislator seeks to establish a balance between the efficiency of the criminal justice system and

the protection of citizens' rights. Thus, evidence acquisition does not take place through discretionary acts, but within a systematic and reviewable framework. In the interpretive dimension, general laws provide a basis for courts to evaluate the legitimacy of evidence. When evidence has been acquired outside the rules prescribed by law, the judge may, by relying on general rules, consider it invalid. This mechanism plays an important role in guaranteeing the integrity of trial and preventing possible abuses. For this reason, the legal foundations of evidence acquisition are not merely guiding in nature, but effective sanctions are also provided for their violation. From the perspective of criminal policy, the general laws governing evidence acquisition reflect the state's approach to crime and criminality. Emphasis on judicial supervision, limitation of the powers of judicial officers, and strengthening of the accused's defense rights indicate the legislator's movement toward a justice-oriented and rights-based model. Compared with authoritarian systems, this approach assigns a more prominent position to individual freedoms and human dignity and places evidence acquisition in the service of justice rather than merely in the service of crime suppression (Soheil Moghadam, 2016).

4.1. The Position of Evidence Acquisition in the Criminal Procedure Code

The position of evidence acquisition in the Iranian criminal justice system can be clearly observed in the structure and content of the Iranian Criminal Procedure Code, a law that, as the most important procedural instrument in the field of criminal adjudication, determines the legal and executive framework for collecting, recording, evaluating, and using evidence. This law regards evidence acquisition not as a merely administrative or technical measure, but as a legal, sensitive, and consequential process affecting the fate of individuals, and for this reason places it at the heart of the criminal justice structure. Thus, from the first stage of crime detection to the issuance of a final judgment, rules concerning evidence acquisition have a continuous and decisive presence. By precisely regulating the stages of preliminary investigations, the powers of judicial officers, the duties of the investigator and prosecutor, and the limits of judicial intervention, the Criminal Procedure Code has established the position of evidence

acquisition in the criminal justice process. Within this framework, the legislator has sought, by separating roles and determining competences, to prevent the unregulated concentration of power in the process of evidence collection. Accordingly, evidence acquisition in this law is organized within a hierarchical and supervisable system whose aim is to guarantee the legitimacy and validity of collected evidence (Salimi, 2015).

Substantively, the Criminal Procedure Code defines evidence acquisition in direct connection with the accused's defense rights and the principles of fair trial. Provisions concerning notification of the charge, the right to silence, access to counsel, prohibition of coercion and compulsion, the need to respect human dignity, and accurate recording of investigations all indicate that the legislator considers the process of evidence acquisition subject to human rights and humanitarian considerations. Within this framework, the objective is not merely to obtain information or confession, but to obtain valid, lawful, and court-admissible evidence. In the structure of this law, the stage of preliminary investigation is recognized as the main setting for evidence acquisition. At this stage, the investigator and prosecutor play a central role in directing and supervising evidence collection, and judicial officers act under their supervision. This mechanism indicates that the legislator has regarded evidence acquisition as a specialized and judicial matter and has avoided entrusting it unconditionally to executive bodies. For this reason, many measures such as search, inspection, seizure of property, interception of communications, or summons of persons are conditional upon authorization by a judicial authority.

Procedurally, the Criminal Procedure Code gives evidence acquisition an orderly and controllable structure by providing precise formalities. The obligation to prepare minutes, record statements, observe the legal order of interrogation, ensure the presence of counsel in prescribed cases, and allow objections to investigative measures are all established to make the process of evidence acquisition transparent and to prevent possible violations. These formalities are not obstacles to discovering the truth, but guarantees of the accuracy and validity of evidence. In the value-based dimension, the position of evidence acquisition in this law is based on the principle of balance between

efficiency and justice. On the one hand, the legislator has considered the necessity of effective response to crime and rapid discovery of reality, and on the other hand, has prevented the investigative process from becoming an instrument for violating individuals' rights. This dual approach has led evidence acquisition in the Iranian legal system to be organized not merely in the service of repressive policy, but within the framework of a rational and justice-oriented criminal policy. From the perspective of sanctions, the Criminal Procedure Code strengthens the position of evidence acquisition in the judicial system by providing for the possible invalidity of unlawful and illegal evidence. When evidence has been acquired contrary to legal rules, the court may refrain from relying on it. This mechanism sends a clear message to investigative authorities that observance of the law is the essential condition for the validity of evidence and that no objective, even the discovery of truth, can justify departure from legal rules (Pour Ostad, 2012).

Analysis of the general rules governing evidence collection in the Iranian criminal justice system requires simultaneous attention to legal foundations, constitutional principles, and human rights considerations, because the process of evidence acquisition is the point of intersection between state authority and individual rights of citizens. Within this framework, the most important regulatory source is the Iranian Criminal Procedure Code, which, by drafting comprehensive provisions, has sought to create a coherent and supervisable structure for gathering evidence. This law regards evidence collection not as a merely operational act, but as a legal and regulated process that must be carried out in light of the principles of justice, legitimacy, and transparency. One of the most important general rules governing evidence collection is the principle of legality of investigative measures. Under this principle, no measure for evidence acquisition may be carried out outside the framework of explicit legal provisions. Judicial officers and judicial authorities are required, before any interference with individuals' privacy, to ensure the existence of legal authorization and prescribed conditions. This rule prevents the investigative process from becoming an arena of discretion and arbitrariness and guarantees that evidence collection always takes place within the framework of the rule of law.

Another important rule is the principle of judicial supervision over the process of evidence acquisition. According to this principle, important and sensitive measures such as search, inspection, seizure of property, interception of communications, or specialized interrogations must be carried out under the direct supervision of a judicial authority. This supervision plays a preventive role against possible violations and ensures that evidence collection does not depart from the path of justice and impartiality. Indeed, the presence of the judge as an independent supervisor is one of the most important guarantees of the integrity of the evidence acquisition process. From the perspective of defense rights, the general rules governing evidence collection place special emphasis on respecting the rights of the accused. The right to silence, the right of access to counsel, the prohibition of coercion and compulsion, and the need to notify the accused of the charge are among the rules that directly affect the manner of evidence collection. These principles prevent evidence collection from becoming an instrument for applying pressure and imposing confession, and they ensure that information and evidence obtained are the product of the free and informed will of individuals.

The rule of transparency and documentation is also one of the essential pillars of evidence collection. Under this rule, all investigative measures must be accurately recorded and documented and reflected in official minutes in the case file. This requirement enables subsequent supervision by the court, lawyers, and oversight bodies and prevents distortion or omission of information. In light of this rule, the process of evidence collection is removed from a hidden and uncontrollable state and transformed into a transparent and accountable process. From a value-based perspective, the general rules governing evidence collection are based on the principle of respect for human dignity. By emphasizing the prohibition of humiliating, violent, and inhuman treatment, the legislator has sought to draw a clear line between lawful investigation and conduct that violates human dignity. Accordingly, even when dealing with persons accused of serious crimes, investigative authorities are required to respect the human status of individuals and refrain from any degrading conduct. This approach shows that the efficiency of the criminal justice system must not be achieved at the cost of violating human values. The rule of proportionality and necessity

also plays an important role in regulating the process of evidence collection. According to this rule, investigative measures must be proportionate to the importance of the crime, the seriousness of the accusation, and the necessity of discovering the truth. The use of severe and intrusive methods is justified only where necessary and where less harmful alternatives are unavailable. This principle prevents the excessive expansion of investigative authorities' powers and unnecessary interference with individuals' rights. In the judicial dimension, the general rules governing evidence collection are completed by providing for the possibility of rejecting and invalidating unlawful evidence. When evidence has been acquired contrary to legal rules or the principles of fair trial, the court may refuse to admit it. This mechanism provides an important sanction for observing the rules of evidence collection and compels investigative authorities to adhere practically to the law (Pour Ostad, 2012).

4.2. Powers and Limitations of Judicial Authorities

The issue of the powers and limitations of judicial authorities in the process of evidence acquisition is one of the most fundamental topics in analyzing the Iranian criminal justice system, because these powers are directly connected to individuals' rights and freedoms, and the manner of their exercise plays a decisive role in realizing fair trial. In the Iranian legal system, the main framework of these powers and limitations is explained in the Iranian Criminal Procedure Code, a law that, with the aim of establishing a balance between the necessity of crime detection and the protection of citizens' rights, determines the boundaries of judicial interventions in the process of evidence collection. From a legal perspective, judicial authorities, especially the prosecutor and investigator, possess broad powers in directing preliminary investigations and acquiring evidence (Moazzenzadegan & Soheil Moghadam, 2016). These powers include issuing orders to summon and arrest the accused, conducting interrogations, ordering searches and inspections, seizing objects and documents, referring matters to experts, examining witnesses, and supervising the performance of judicial officers. The purpose of granting these powers is to provide the necessary basis for discovering the truth and preventing the violation of the rights of victims and society. Without

such powers, the criminal justice system would not be able to respond effectively to criminality.

Nevertheless, the Iranian legislator has not regarded these powers as absolute or unlimited and has restricted them within precise legal rules. One of the most important limitations is the obligation to observe the principle of legality of investigative measures. Under this principle, no judicial authority has the right to collect evidence or interfere with individuals' rights outside the limits prescribed by law. Any measure lacking a legal basis is not only invalid, but may also give rise to disciplinary, civil, or criminal liability for the relevant authority. Procedurally, one of the most important limitations on the exercise of judicial powers is the need to observe legal formalities in carrying out investigative measures. Preparing official minutes, accurately recording statements, observing the legal order of interrogation, informing the accused of their rights, and enabling the presence of counsel are among the requirements that the law has provided for the validity of the acts of judicial authorities. These formalities are instruments for controlling judicial power and preventing possible abuse and play an important role in guaranteeing transparency in the process of evidence acquisition (Soheil Moghadam, 2016).

Substantively, the principle of respect for human dignity is one of the most essential limitations on the powers of judicial authorities in evidence acquisition. By emphasizing the prohibition of torture, coercion, threats, and humiliating conduct, the legislator has drawn a clear boundary between lawful investigation and conduct violating human rights. Accordingly, even where a judicial authority seeks to discover the truth, it has no right to use methods that undermine the human dignity of the accused or other persons. Any evidence obtained through violation of human dignity will lack legal legitimacy. Another important limitation is the principle of respect for privacy and personal inviolability. Intrusive measures such as entering a home, inspecting premises, monitoring communications, or accessing personal information are permissible only in exceptional cases and subject to legal conditions. Before issuing such orders, the judicial authority is required to examine their necessity, proportionality, and legitimacy. This limitation prevents the excessive expansion of judicial power and unnecessary interference with individuals' private lives.

From a supervisory perspective, the powers of judicial authorities in evidence acquisition are subject to control by various institutions. The possibility of objecting to decisions of the investigator, prosecutorial supervision, court review of the legitimacy of evidence, and supervision by judicial disciplinary bodies are among the mechanisms provided to prevent deviation in the exercise of powers. This supervisory system ensures that judicial power is exercised within a framework of accountability and responsibility and prevents it from becoming an arbitrary instrument. In the dimension of defense rights, the limitations imposed on the powers of judicial authorities play an important role in guaranteeing the accused's right to defense. The obligation to notify the charge, provide access to counsel, respect the right to silence, and allow access to the case file are among the limitations established to create a balance between the prosecutorial authority and the accused. These limitations prevent the absolute superiority of the prosecutorial authority in the process of evidence acquisition and provide the basis for realizing the principle of equality of arms. Functionally, it can be said that the powers of judicial authorities and the limitations governing them are two sides of the same coin, sharing the common purpose of realizing criminal justice. Broad powers make effective crime detection possible, while legal limitations prevent these powers from deviating toward violation of individuals' rights. This balance constitutes the essence of a fair trial system and guarantees the legitimacy of the evidence acquisition process (Pour Ostad, 2012).

In examining the legal limits of the actions of judicial officers and judges in the process of evidence acquisition, attention to constitutional foundations, principles of fair trial, and legal requirements governing the criminal justice system plays a fundamental role in guaranteeing the legitimacy and validity of evidence. In the Iranian legal system, these limits and constraints are rooted in the principles contained in the Constitution of the Islamic Republic of Iran and ordinary laws, especially the Criminal Procedure Code; in the legal system of the United States, they are based on the provisions of the United States Constitution and judicial interpretations by institutions such as the Supreme Court of the United States. In both systems, the main purpose of determining these limits is to establish a balance between the necessity of crime detection and maintenance of public

order on the one hand, and the protection of the fundamental rights and freedoms of citizens on the other. In the Iranian legal system, judicial officers, as the executive arms of the judiciary, are required to perform their duties within the framework of the law and under the supervision of a judicial authority. The principle of legality of judicial officers' actions requires that any intrusion into individuals' privacy, including home searches, inspection of premises, seizure of property, arrest, and interrogation, be based on legal authorization and usually on an order of the competent judicial authority. This requirement not only guarantees respect for the rights of the accused, but also prevents possible abuse of power and personal discretion. From this perspective, the legitimacy of evidence acquired through the actions of judicial officers is directly connected to the extent of their adherence to legal rules.

Judges, too, when issuing investigative orders, supervising the actions of judicial officers, and evaluating evidence, face specific legal limitations. Judicial independence, although it enables the judge to decide without external interference, does not mean absolute freedom to make any decision. The judge is required to act within the framework of the law, the principles of fair trial, and human rights criteria, and to refrain from issuing orders that lead to violation of the fundamental rights of individuals. Indeed, judicial competence is always accompanied by legal and ethical responsibility, and deviation from it may lead to the invalidity of evidence acquired and even to disciplinary or criminal liability of the judicial authority. In the legal system of the United States, legal limitations on the actions of judicial officers and judges have been interpreted particularly in light of principles concerning the prohibition of unlawful search and seizure, the right to silence, and the right to counsel. The case law of this country shows that any police action without a valid warrant or without reasonable and justified suspicion may lead to the exclusion of evidence in court. The exclusionary rule, which holds a prominent place in American law, reflects the reality that preservation of the integrity of judicial proceedings is preferred over the short-term interests of criminal prosecution. For this reason, courts evaluate the legitimacy of the actions of judicial officers and judges with considerable sensitivity.

In comparative analysis, it can be said that although the two legal systems differ in structure and theoretical

foundations, they agree on the principle that the powers of investigative and adjudicative authorities must be limited. In Iran, emphasis on continuous judicial supervision and the necessity of obtaining legal authorizations are the primary instruments for controlling the actions of judicial officers, whereas in the United States, in addition to judicial supervision, ex post mechanisms such as exclusion of evidence and civil liability of officers play a significant role. These differences arise from differences in legal traditions, judicial structure, and the extent to which systems rely on case law. From the perspective of fair trial, the legal limits of the actions of judicial officers and judges must be regarded as one of the fundamental components of guaranteeing criminal justice. Whenever these limits are disregarded, not only are the individual rights of the accused violated, but public trust in the justice system is also weakened. Comparative experiences show that acquiring evidence at the cost of violating fundamental freedoms ultimately undermines the legitimacy of the judiciary and reduces its effectiveness.

4.3. The Role of the Prosecutor in the Process of Evidence Acquisition

The role of the prosecutor in the process of evidence acquisition is one of the fundamental pillars of the criminal justice system and has a decisive position in guaranteeing the balance between the requirements of criminal prosecution and observance of the principles of fair trial. In both the Iranian and United States legal systems, the prosecutor, as the representative of society and defender of the public interest, is responsible for directing the prosecution process, supervising evidence collection, and guaranteeing the legitimacy of investigative measures. Although this role appears in different forms and structures, in its nature it is based on the rule of law and the protection of the fundamental rights of the accused and the victim. In the Iranian legal system, the position of the prosecutor is specifically defined within the provisions of the Criminal Procedure Code of the Islamic Republic of Iran. Under this law, the prosecutor, as the prosecutorial authority, is responsible for initiating, directing, and supervising preliminary investigations and plays a central role in determining the course of evidence collection. The prosecutor is required, while effectively pursuing crimes, to refrain from any act contrary to law, violating the accused's defense rights, or

undermining the impartiality of the trial. From this perspective, the prosecutor is not only a prosecutorial authority, but also a supervisor of proper implementation of the law at the pretrial stage (Heydari & Fathi, 2014).

In the process of evidence acquisition, the prosecutor performs a guiding role by issuing necessary instructions to judicial officers, determining the limits of investigations, supervising interrogations, and conducting an initial evaluation of evidence. Although these powers are provided to facilitate the discovery of truth, they are simultaneously accompanied by legal and ethical limitations. The prosecutor is required to prevent the acquisition of evidence through unlawful methods, such as coercion, threats, or violation of privacy, and, upon observing a violation, to correct the course of investigation or invalidate unlawful actions. Thus, the legitimacy of evidence at the prosecutor's office stage depends largely on the prosecutor's adherence to legal and human rights principles. In the legal system of the United States, the prosecutor's role is defined through federal and state prosecutors, especially within the institutional structure associated with the United States Department of Justice. American prosecutors, in addition to prosecution responsibilities, possess broad discretion in deciding whether to initiate or discontinue prosecution, how evidence should be collected, and whether the evidence is sufficient. These broad powers, while increasing the efficiency of the prosecutorial system, also intensify the need for judicial and institutional control and supervision.

In American law, case law developed under the supervision of the Supreme Court of the United States has played an important role in limiting the prosecutor's powers in the field of evidence acquisition. Courts have repeatedly emphasized that prosecutors must rely on evidence acquired legitimately and in accordance with constitutional amendments. Moreover, the principle of disclosing exculpatory evidence in favor of the accused, which holds a special place in American law, indicates that the prosecutor is not merely seeking conviction, but must also act toward the realization of substantive justice. Comparative analysis shows that in both systems, the prosecutor stands at the point of intersection between state authority and individual rights. In Iran, the centralized structure of the prosecutor's office and emphasis on judicial supervision define the prosecutor's

role as a legal manager and lawful supervisor, whereas in the United States, the relative independence of prosecutors and greater reliance on case law grant them broader decision-making power. Nevertheless, in both systems, accountability and the possibility of judicial and administrative supervision are presented as instruments for restraining this power. From the perspective of fair trial, the prosecutor's role in evidence acquisition must not be interpreted merely within the framework of effective prosecution of crime, but must be analyzed in connection with the principles of impartiality, fairness, and respect for defense rights. A prosecutor who thinks only about increasing conviction rates and neglects human rights considerations ultimately contributes to weakening the credibility of the criminal justice system. Conversely, a prosecutor who adheres to transparency, legality, and fairness in the process of evidence collection will play an effective role in enhancing public trust in the judiciary (Heydari & Fathi, 2014).

Analysis of the duties and responsibilities of the prosecutor in the process of evidence acquisition requires attention to the position of this authority within the structure of criminal justice and to the prosecutor's intermediary role among society, prosecutorial institutions, and the judicial authority. The prosecutor, as representative of the public interest, is tasked with effectively pursuing crimes while also safeguarding the fundamental principles of fair trial and the defense rights of the accused. This dual position, containing both state authority and ethical and legal obligation, gives the prosecutor's duties a multidimensional and sensitive nature, and the prosecutor's performance has a direct effect on the legitimacy of the criminal process. In the Iranian legal system, the prosecutor's duties are defined and regulated within the provisions of the Criminal Procedure Code of the Islamic Republic of Iran. Under this law, the prosecutor is responsible for initiating criminal prosecution, supervising preliminary investigations, directing judicial officers, and conducting an initial evaluation of evidence. From the earliest stages of proceedings, the prosecutor is required to supervise the legality of methods of evidence acquisition and to prevent the use of methods that violate human dignity, privacy, or fundamental freedoms. From this perspective, the prosecutor is not only a prosecutorial authority, but also a guarantor of legality at the pretrial stage.

One of the most important responsibilities of the prosecutor is to establish a balance between the necessity of crime detection and respect for the rights of the accused. The prosecutor must ensure that the process of evidence collection is conducted on the basis of impartiality and without prejudgment. This means that the prosecutor must not merely seek incriminating evidence, but is also required to consider exculpatory evidence and make it available to the adjudicating authority. This approach shows that the prosecutor's ultimate objective is the realization of substantive justice, not merely the issuance of a conviction. In the legal system of the United States of America, the duties of the prosecutor are shaped within the institutional structure associated with the United States Department of Justice and state prosecutors. American prosecutors have broad powers in deciding on prosecution, the manner of evidence collection, and the drafting of indictments. These powers also carry heavy responsibilities, because any abuse of power or disregard for the principles of fair trial can lead to violation of citizens' rights and weakening of public trust (Razavi & Khazaei, 2007).

The role of the prosecutor in American law is strongly influenced by judicial precedents and the continuous supervision of the Supreme Court of the United States. Through numerous decisions, this Court has defined the limits of prosecutorial duties in the field of evidence acquisition and has emphasized the need to observe constitutional principles, particularly in relation to the prohibition of arbitrary search and detention and the accused's right to silence. Moreover, the prosecutor's obligation to disclose material evidence favorable to the accused reflects the prosecutor's ethical and legal responsibility to guarantee fairness in trial. Comparative analysis shows that the duties of the prosecutor in both systems are based on three fundamental components: effective prosecution of crime, supervision of the legitimacy of evidence, and protection of the fundamental rights of individuals. In Iran, the relatively centralized structure of the prosecutor's office and judicial supervision have established the prosecutor's role as a legal manager and lawful supervisor, whereas in the United States, the relative independence of prosecutors and greater reliance on ex post supervisory mechanisms have made their individual responsibility more prominent. Nevertheless, in both systems,

institutional accountability and the possibility of addressing prosecutorial misconduct are recognized as essential conditions for the legitimacy of prosecutorial performance. From the perspective of fair trial, the prosecutor's responsibility is not limited merely to collecting and presenting evidence, but also includes guaranteeing transparency, observing impartiality, and maintaining a balance between the interests of society and individual rights. The prosecutor must, at all stages of proceedings, refrain from unlawful pressure, directing investigations toward a predetermined outcome, and instrumental use of power. Such an approach not only improves the quality of judicial adjudication, but also plays an important role in strengthening social capital and public trust in the criminal justice system.

4.4. The Position of the Investigating Judge in Evidence Acquisition

The position of the investigating judge in the process of evidence acquisition is one of the key axes of the Iranian criminal justice system, and its role in guaranteeing the legitimacy, impartiality, and legality of criminal investigations is undeniable. The investigating judge, as the judicial authority who supervises and directs preliminary investigations, plays an essential role in establishing a balance between the prosecutorial authority of the prosecutor and the fundamental rights of the accused; indeed, the investigating judge is the link that guarantees the accuracy and integrity of the stages of evidence collection. This position is directly connected, legally and practically, with the realization of fair trial and the enhancement of public trust in the judiciary, and failure to observe the principles governing it can affect the legitimacy of the entire criminal process. In the Iranian legal system, the position of the investigating judge is especially explained in the Criminal Procedure Code of the Islamic Republic of Iran. Under this law, the investigating judge is responsible for directing preliminary investigations, issuing necessary orders for interrogations, ordering search and seizure of suspicious documents and property, and supervising the conduct of judicial officers and the prosecutor in evidence collection. This role enables the investigating judge, while protecting the rights of the accused, to prevent evidence from being acquired through unlawful methods or methods violating human dignity, thereby guaranteeing the quality and legitimacy of evidence

presented in court. The investigating judge is not only a supervisor of compliance with legal rules, but is also required to guarantee the proper implementation of the principles of fair trial, including the presumption of innocence, the principle of respect for privacy, and the prohibition of torture and coercion, at the stage of preliminary investigations.

The performance of the investigating judge is in fact a combination of supervisory, directive, and value-based dimensions. From a supervisory perspective, the investigating judge is responsible for ensuring the accuracy and legality of investigative measures and must prevent any action contrary to law and human rights. From the directive aspect, the investigating judge, by issuing judicial orders and determining the limits of investigations, defines the course of evidence collection and prevents possible deficiencies or deviations. From a value-based perspective, the investigating judge must establish a balance between public interests and individual rights and ensure that the rights of the accused, the complainant, and third parties are respected. The role of the investigating judge is also important in the analysis and validation of evidence. By examining the process of evidence acquisition, the judge can determine whether the evidence acquired has complied with legal and ethical principles and whether it can be presented at trial. This review, especially where there is doubt about the legitimacy of evidence, plays a decisive role in protecting substantive justice and the integrity of proceedings. Thus, the investigating judge plays a central role in guaranteeing the legitimacy of the criminal process and preventing violation of the accused's rights. Compared with other legal systems, such as the United States of America, although there is no direct counterpart to the investigating judge in civil-law systems and prosecutors have broader powers in directing investigations, ex post judicial supervision and Supreme Court mechanisms partly perform the supervisory and guarantee function of the investigating judge in evidence acquisition. There, too, the principles of impartiality and respect for the rights of the accused are important, but the method and manner of achieving them differ from the centralized structure of the investigating judge in Iran. Comparative analysis shows that the presence of an independent judicial authority at the stage of preliminary investigations can prevent the acquisition of unlawful evidence and abuse of

prosecutorial power and can strengthen public trust in the criminal justice system (Bayat, 2011).

The role of the judicial authority in supervising evidence is one of the fundamental pillars of guaranteeing criminal justice and realizing fair trial and, at the same time, one of the most important instruments for preserving the legitimacy and legality of the process of evidence acquisition in criminal systems. The judicial authority, whether in the form of the investigating judge in Iran or in the form of courts and supervising judges in other legal systems such as the United States of America, is required from the beginning to the end of the stages of collecting and presenting evidence to supervise observance of legal, ethical, and human rights principles. This supervision has a dual nature: first, guaranteeing the accuracy and legitimacy of evidence, and second, protecting the rights of the accused, the complainant, and other persons interested in the case. In fact, the judicial authority plays an intermediary role between the prosecutorial authority of the prosecutor and the fundamental rights of individuals and thereby strengthens the quality of trial and public trust in the criminal system. Within the framework of the Iranian legal system, judicial supervision over evidence is clearly emphasized in the Criminal Procedure Code of the Islamic Republic of Iran. The investigating judge or court is required to ensure that all evidence has been acquired through lawful means and in accordance with procedural and human rights principles. This supervision includes reviewing the investigative methods of judicial officers, issuing lawful orders for search and seizure of property, interrogating accused persons and witnesses, and confirming the legitimacy of any document or material presented in the case. In this process, the judge is required to prevent pressure, coercion, torture, or the use of unlawful methods and to ensure that the rights of accused persons are preserved and that the presumption of innocence and the right to defense are respected.

The dimensions of judicial supervision go beyond a superficial examination of evidence and also include analysis of its quality and validity. The judicial authority is required to evaluate whether the evidence acquired is accurate, complete, and capable of being relied upon at trial. This analysis not only directly affects the legitimacy of the judicial process, but also prevents the presentation of incorrect or unlawful evidence and the issuance of unjust judgments. From this perspective, the judicial

authority plays a protective role against human errors and possible abuses of prosecutorial power and, at the same time, strengthens public trust and the legitimacy of criminal institutions. In other systems, such as the United States of America, judicial supervision over evidence, although organized differently, pursues similar objectives. Courts, especially the Supreme Court, establish legal and ethical criteria for admitting or excluding evidence through case law and guiding decisions and ensure that the rights of accused persons are respected. In this system, the judge does not directly supervise preliminary investigations, but ex post supervisory powers and the possibility of reviewing prosecutorial misconduct and violations of the accused's fundamental rights make the judge's role prominent in guaranteeing justice-centeredness and the legitimacy of evidence. Comparative analysis shows that the presence of an independent judicial authority, whether at the preliminary investigation stage or at the trial stage, effectively prevents the acquisition of unlawful evidence and violation of the fundamental rights of individuals and guarantees a balance between public interests and individual rights. This role becomes particularly important in cases where there is a possibility of pressure, bias, or error in the collection and analysis of evidence, and it shows that the realization of criminal justice depends not only on prosecutorial power and evidence collection, but also on intelligent and impartial supervision by the judicial authority (Khan Babaei, 2016).

5. Jurisprudential and Sharia Foundations of Evidence Acquisition in Iranian Law

5.1. *The Position of Confession, Testimony, and the Judge's Knowledge in Jurisprudence*

In the Iranian criminal law system, jurisprudential and Sharia foundations play a highly fundamental role in determining the rules and principles of evidence acquisition, such that their understanding and analysis are impossible without attention to jurisprudential sources. One of the most important pillars of evidence acquisition in Islamic jurisprudence is the position of confession, testimony, and the judge's knowledge, which shape the path of proving crime and realizing criminal justice both theoretically and in practice. Confession in jurisprudence means a person's admission to

committing a crime or an act punishable under criminal laws. The importance of confession in evidence acquisition arises from the fact that it is recognized as evidence with high probative force and, in principle, directly indicates the truth of the crime. Nevertheless, jurisprudence provides conditions and considerations for the validity of confession, including freedom of will, absence of coercion, and avoidance of threats and pressure, because any coercion undermines the legitimacy of evidence and violates justice. Testimony is another vital pillar of evidence acquisition in jurisprudence, and its role in discovering the truth and explaining the realities of the crime is undeniable. In the Iranian legal system, the Sharia basis of testimony is grounded in jurisprudential rulings, and criteria such as the justice, civil and Sharia integrity, and reliability of witnesses are emphasized in the acceptance of testimonial evidence. Testimony, as an instrument of evidence collection, is important both at the investigation stage and at the trial stage, and its position alongside other evidence helps the judge, by analyzing valid documents and accounts, to reach the reality of the crime. Islamic jurisprudence also emphasizes that testimony must be collected within the framework of ethics and human principles and with respect for the rights of the parties so that criminal justice is not impaired.

The judge's knowledge, as the third main pillar of evidence acquisition in jurisprudence, refers to judicial power and authority in clarifying realities and synthesizing evidence. The judge's knowledge in jurisprudence expresses the adjudicator's ability to analyze, evaluate, and infer truth from the totality of evidence, testimonies, and confessions, and allows the judge to make a fair decision based on a comprehensive and deep understanding of the case. The judge's knowledge, alongside confession and testimony, creates a complementary framework that enables proper and fair synthesis in the judicial process and ensures that the rights of the accused and the complainant are simultaneously respected. The combination of confession, testimony, and the judge's knowledge in Islamic jurisprudence has created principles for evidence acquisition centered on respect for human dignity, prevention of coercion, respect for justice, and protection of defense rights. These principles not only provide a framework for collecting evidence at the

investigation stage, but also facilitate the path of fair trial and guarantee the legitimacy of the judicial institution. In other words, the jurisprudential and Sharia foundations of evidence acquisition in Iranian law seek to establish a precise balance among the discovery of truth, protection of fundamental rights, and respect for human dignity, thereby transforming evidence acquisition into an independent and coherent legal institution that plays a central role in realizing criminal justice (Salimi, 2015).

5.2. The Principle of the Prohibition of Spying in Islamic Jurisprudence

In Islamic jurisprudence, the principle of the prohibition of spying is recognized as one of the fundamental principles for protecting human rights and dignity and plays an important role in shaping the rules of evidence acquisition in the Iranian criminal system. This principle emphasizes the prohibition of unauthorized interference in individuals' private lives and the search for personal information without legal authorization, and it constitutes the Sharia basis of many legal limitations and rules at the stages of criminal investigation and prosecution. According to jurisprudential teachings, any act that violates individuals' privacy, humiliates their personality, or coerces them is not only unacceptable, but also undermines the legitimacy of evidence collected by such a method. In other words, observance of the prohibition of spying, as an ethical and legal principle, guarantees the legitimacy of the process of evidence acquisition and fair trial. From a jurisprudential perspective, the prohibition of spying can be analyzed at two levels: individual and social. At the individual level, this principle emphasizes respect for human dignity, the right to privacy, and personal freedoms, and prohibits judicial authorities or judicial officers from searching for personal information or documents without justified cause and without observing legal formalities. At the social level, observance of this principle generates public trust in the criminal system, because citizens become assured that their rights and freedoms are respected in judicial proceedings and that any intrusive measure will be accompanied by legal accountability. This principle also has a preventive role and prevents possible abuses of executive and judicial power.

In evidence acquisition, observance of the prohibition of spying means requiring judicial authorities to follow specific legal frameworks for searches, inspections, and

information collection. Specifically, in Islamic jurisprudence and the Iranian legal system, every investigative measure must be based on a judicial order, legal conditions, and criminal necessity, and evidence collection without observing these conditions renders the evidence illegitimate and inadmissible in courts. This approach guarantees both the protection of the rights of the accused and citizens and the enhancement of the validity of the criminal process, because evidence acquired within a legal and ethical framework, in addition to being effective in proving crime, also strengthens legitimacy and trust in the judiciary. Comparative analysis with other legal systems, especially the criminal law of the United States of America, shows that the concept of the prohibition of spying in Islamic jurisprudence overlaps with principles concerning civil rights and individual freedoms in the American Constitution. In both systems, legal restrictions on investigative measures, the necessity of issuing a judicial warrant for search and inspection, and respect for citizens' privacy are emphasized as instruments for guaranteeing justice and the legitimacy of evidence. The difference is that in Islamic jurisprudence, emphasis on ethical dimensions and human dignity, and their explanation from the perspective of Sharia, plays a highly prominent role in shaping executive rules, and any deviation from it may not only violate individual rights but also endanger the legitimacy of the entire process of evidence acquisition.

5.3. The No-Harm Rule and the Prohibition of Coercion

In Islamic jurisprudence, the rule of "no harm" and the principle of prohibition of coercion are among the most important fundamental principles in evidence acquisition and the administration of criminal proceedings, established with the aim of guaranteeing justice, preserving human dignity, and preventing violation of individuals' rights. The no-harm rule means the prohibition of any judicial or investigative act or measure that causes unnecessary harm to individuals, whether physical, psychological, or social. This rule forms the basis of many practical limitations and considerations in evidence collection and instructs judicial authorities and judicial officers to limit their measures in the process of evidence acquisition to what is minimally necessary for discovering the truth and to avoid any pressure, intrusion, or unnecessary measure

that harms the dignity or rights of the accused, complainant, or third parties. The principle of prohibition of coercion is directly related to the no-harm rule and emphasizes that no individual should be compelled, under pressure, threat, coercion, or physical or psychological violence, to confess, testify, or surrender documents. In the Iranian criminal system, this principle derives from jurisprudential and legal sources, and its position is emphasized in the Constitution, criminal laws, and criminal procedure. Observance of this principle not only guarantees human dignity and freedom of will, but also secures the legitimacy of the evidence collected, because evidence acquired under pressure and coercion lacks judicial validity and constitutes a violation of fair trial.

In practical analysis, the no-harm rule and prohibition of coercion play a decisive role in regulating the conduct of judicial officers and judicial authorities. Investigative measures such as interrogation, inspection, search, and obtaining confession must be conducted within legal and ethical frameworks and with minimal pressure. These principles also create an obligation to provide suitable conditions for the accused's defense, legal advice, and legal protections, so as to ensure that evidence acquisition occurs not only in the pursuit of truth but also within the framework of respect for human rights and dignity. From a comparative legal perspective, comparison with the criminal system of the United States of America shows that similar principles exist under the title of civil rights and protection of the accused, including the prohibition of torture, threats, and pressure in information collection. The fundamental difference, however, lies in Islamic jurisprudence's emphasis on the ethical dimension and human dignity, such that observance of these principles is of vital importance for the legitimacy and validity of evidence in both substantive analysis and the practical aspects of evidence acquisition and contributes to strengthening public trust in the judiciary (Ensaftdoust, 2007).

5.4. The Effect of Jurisprudential Foundations on the Legitimacy of Evidence

In the Iranian legal system, jurisprudential foundations play a decisive role in shaping the rules and criteria of evidence acquisition and directly affect the legitimacy of criminal evidence. This effect arises from the fact that Islamic jurisprudence, in addition to emphasizing truth

discovery and realization of justice, also emphasizes protection of human dignity, prevention of injustice, and respect for individuals' defense rights; within this framework, any investigative measure or evidence collection method that conflicts with ethical and Sharia principles is considered illegitimate. In other words, the legitimacy of evidence is not limited to its procedural and legal validity, but must also be defensible from jurisprudential and ethical perspectives in order to be used as a valid basis in the judicial process. Jurisprudential analysis of evidence acquisition shows that criteria such as respect for human dignity, prohibition of torture and coercion, prohibition of spying, respect for the rights of the accused and the complainant, and the absence of harm in investigative measures not only provide operational rules for judicial officers and judicial authorities, but also constitute criteria for assessing the legitimacy and validity of evidence. Accordingly, evidence collected without observing these principles, even if it appears legally correct, is not acceptable from a jurisprudential perspective and may lead to a violation of fair trial. In other words, jurisprudential foundations complete the ethical and legal framework of evidence acquisition and ensure that evidence collection is carried out not only in the path of proving crime but also in the path of respecting justice and human rights.

One of the important effects of jurisprudential foundations on the legitimacy of evidence is their emphasis on the principle of harmony between end and means; that is, reaching the truth and discovering crime must never be accompanied by violation of individuals' rights and dignity. This jurisprudential view requires judicial authorities and judicial officers always to consider necessary measures to reduce harm and pressure on individuals when choosing investigative methods and collecting evidence and to refrain from any coercive or inhuman measure. Such an approach guarantees the legitimacy of evidence and strengthens public trust in the judicial system, because citizens become assured that the judicial process is both fair and consistent with ethical and religious principles. The effect of jurisprudential foundations on the legitimacy of evidence also has a comparative dimension. Compared with the criminal system of the United States of America, which emphasizes the rights of the accused and observance of the principle of legality of investigations,

Islamic jurisprudence considers, in addition to legal rules, the ethical dimension and human dignity as primary indicators of the legitimacy of evidence. This unique feature of the Iranian legal system emphasizes that legitimate evidence acquisition is not merely a technical process but also an ethical and human process, and without observance of these principles, realization of fair trial will not be possible (Ensafdoust, 2007).

6. Practical Challenges of Evidence Acquisition in Iran

6.1. Weak Training of Judicial Officers

One of the most important practical challenges of evidence acquisition in Iranian criminal law is the weakness of training and capacity-building for judicial officers. Judicial officers, as the first link in the chain of evidence collection and identification of criminal truth, play an indispensable role in the quality and legitimacy of the evidence acquisition process, and their skills and specialized knowledge directly affect the validity of evidence and the accuracy of proceedings. However, practical experience and field studies show that the lack of specialized training, insufficient updating of technical and legal knowledge, and absence of coherent educational standards cause serious problems in the collection, recording, and presentation of evidence. Weak training of judicial officers is first visible from a legal and juridical perspective. Many judicial officers are not fully familiar with the precise details of criminal procedure rules, fundamental principles of fair trial, and the rights of the accused. This lack of knowledge leads to unintentional violations and infringement of the accused's rights, including entry into private premises without judicial authorization, use of psychological or physical pressure during investigations, and collection of incomplete or invalid evidence. Such errors not only call the legitimacy of evidence into question, but may also provide grounds for annulment of the court judgment or acceptance of the accused's objection.

From a technical and operational perspective as well, weak training leads to inefficiency in evidence collection and documentation. Many judicial officers lack the necessary scientific skills for examining crime scenes, accurately recording traces, or preserving the chain of custody. This can lead to distortion of reality or reduced reliability of evidence, and consequently criminal

proceedings may move away from the desired accuracy and justice. In addition, the absence of specialized training in complex crimes such as cybercrime, economic crime, and organized crime prevents judicial officers from keeping pace with modern methods of collecting and analyzing evidence, which creates serious challenges in contemporary trials. The challenge of weak training of judicial officers also has social and structural effects. When judicial officers are not familiar with laws and professional standards, public trust in the criminal system declines and the possibility of abuse or unlawful conduct increases. This weakness can also create inconsistency between judicial officers and judicial authorities, making the evidence acquisition process complex and time-consuming. Comparative analysis shows that in many advanced legal systems, including the United States of America, judicial officer training is conducted continuously, with emphasis on the combination of legal knowledge, scientific methods of evidence collection, and respect for human rights. Such training includes practical workshops, crime-scene simulations, and instruction on preventing unlawful pressure. This approach increases the accuracy, legitimacy, and public trustworthiness of evidence and strengthens the role of officers in realizing fair trial (Mahdavi Sabet, 2012).

6.2. Organizational and Statistical Pressures

One of the most important practical challenges of evidence acquisition in the Iranian criminal system is the organizational and statistical pressure imposed on judicial officers, judicial authorities, and other actors involved in the judicial process. These pressures, often arising from bureaucratic structures, statistical requirements, and expectations of rapid accountability to higher authorities, can lead to reduced precision, decreased quality of evidence collection, and even violation of the principles of fair trial. Field examinations show that these pressures can be analyzed from both the internal organizational dimension and the perspective of policymaking and public expectations, and they have multiple direct and indirect effects on evidence acquisition. From an organizational and managerial perspective, judicial officers and judicial authorities usually face requirements that directly affect their performance. These pressures include expectations to increase the number of cases processed, provide rapid

investigation results, and achieve high crime detection rates. Such requirements lead to evidence collection and recording being performed quickly, and in many cases the precise and scientific stages of investigation are not fully observed. In other words, judicial officers and criminal investigators may, in order to respond to organizational demands, collect evidence without sufficient care, thereby affecting its legitimacy and reliability.

From the perspective of statistics and performance measurement, pressures are mainly applied through quantitative indicators. Responsible organizations and higher authorities tend to treat the rate of crime detection, the number of investigations carried out, and the speed of case processing as the main criteria for evaluating the performance of judicial officers and judicial authorities. This focus on quantity rather than quality leads judicial officers, in order to reach statistical targets, to limit themselves to incomplete or insufficient evidence or, in some cases, to prefer not to examine evidence that requires more time and effort. Such an approach not only reduces the possibility of comprehensive and reasoned evidence acquisition, but also increases the risk of judicial errors and erroneous judgments. The challenge of organizational pressure is also directly related to structural and hierarchical complexities. Judicial officers and judicial authorities may be influenced by the expectations of managers, policies of higher institutions, or political considerations, and this can affect their independence in the process of collecting and evaluating evidence. Consequently, some measures may be taken with the aim of accelerating the case process or satisfying superiors rather than discovering the truth or observing the principles of fair trial. Such circumstances reveal the conflict between organizational requirements and the professional necessities of evidence acquisition, the management of which requires structural reforms and continuous training.

The legal and human dimensions of organizational and statistical pressures are also highly significant. Pressure on judicial officers and judicial authorities can lead to violation of the accused's rights, reduction of opportunities for defense, and limitation of the possibility of presenting complete evidence. In this regard, evidence acquisition under such pressures may conflict with fundamental principles of fair trial,

including the presumption of innocence, the right to defense, and the principle of legality of evidence acquisition. In addition, organizational pressures may increase the likelihood of unlawful methods or reliance on invalid evidence, ultimately weakening the validity of the entire judicial process. Comparative analysis shows that in advanced systems such as the United States of America, efforts are made to reduce the effects of organizational and statistical pressures on evidence acquisition through supportive mechanisms, continuous training, and qualitative criteria for evaluating the performance of judicial officers and judicial authorities. In such systems, special attention is paid to the independence of officers, transparency in the evidence collection process, and respect for the rights of the accused, so that statistical and managerial objectives are met while the quality and legitimacy of evidence acquisition are guaranteed (Moazzenzadegan & Soheil Moghadam, 2016).

6.3. Prolongation of Proceedings

One of the serious and persistent challenges in the process of evidence acquisition in the Iranian criminal system is the problem of prolongation of proceedings, which not only directly affects the quality of evidence collection and presentation, but also broadly affects the legitimacy of and public trust in the judicial system. Prolongation of proceedings means the unnecessary lengthening of the stages of investigation, prosecution, and adjudication, often resulting from structural weaknesses, lack of resources, case complexity, and a high volume of pending cases. This phenomenon places evidence acquisition under temporal pressure and, in many cases, prevents precise observance of the principles of fair trial. In terms of its effect on evidence acquisition, prolongation of proceedings creates multiple problems. The first and most important effect is the reduced reliability of collected evidence. With the passage of time, evidence may change or be damaged; witnesses and informed persons may forget or distort their memories; and physical documents and records may be lost. This is especially evident in complex crimes, organized crimes, and computer crimes, which require precise analysis of multiple data and evidence. Under such circumstances, efforts to acquire evidence over a long period affect the quality and accuracy of evidence

and may sometimes lead to incorrect or incomplete decision-making.

From the perspective of the rights of the accused and criminal justice, prolongation of proceedings creates psychological and social pressure on accused persons and their families. During lengthy proceedings, the accused is exposed to legal restrictions, loss of adequate opportunities for defense, and even public disclosure affecting reputation and dignity. On the other hand, prolonged proceedings may cause fatigue and lack of motivation among judicial officers and judicial authorities and prevent them from focusing on collecting accurate evidence and observing legal formalities precisely. Thus, both the objectives of investigation and evidence collection and the fundamental rights of the accused are negatively affected. From an organizational and managerial perspective, prolongation of proceedings often results from the high volume of cases, shortage of human resources, inadequate equipment, and weak coordination between judicial institutions and judicial officers. Lack of precise planning for case management and delay in issuing judicial orders cause the process of collecting and recording evidence to be delayed, and in some cases evidence acquisition is carried out incompletely or sporadically. In addition, organizational and statistical pressures on judicial officers and prosecutor's offices, examined in previous sections, combine with prolongation of proceedings and increase the risk of judicial error. Analysis of legal and comparative dimensions also shows that prolongation of proceedings is in direct conflict with the principles of fair trial. International law and recognized human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, emphasize the right of individuals to a prompt and fair hearing. In advanced systems such as the United States of America, multiple mechanisms have been provided for case management and reduction of unnecessary delays, including setting specific deadlines for evidence collection, advanced case management systems, and continuous judicial supervision over proceedings. These practices show that reducing prolongation of proceedings not only improves the quality of evidence acquisition, but also guarantees the rights of the accused and the legitimacy of the entire judicial process (Mahdavi Sabet, 2012).

6.4. Conflict Between Crime Detection and the Rights of the Accused

One of the most complex and challenging practical issues in evidence acquisition in the Iranian criminal legal system is the conflict between the necessity of crime detection and respect for the rights of the accused. This conflict has a structural nature and results from the intersection of two fundamental and, at times, conflicting objectives in the criminal process: on the one hand, society and the judicial system need to detect crimes, collect evidence, and secure criminal justice; on the other hand, the accused has the right to enjoy fundamental rights, including the right to silence, the right of access to counsel, immunity from torture and inhuman treatment, and preservation of human dignity. The conflict between these two objectives becomes especially visible in complex and organized crimes, economic crimes, and cybercrimes, because crime detection often requires precise, extensive, and sometimes intrusive measures toward the accused and informed persons. In analyzing the practical dimensions of this conflict, it can be observed that judicial officers and judicial authorities, in seeking information and evidence, may become confused when confronted with legal and jurisprudential limitations. Attempting to detect crime without respecting the rights of the accused can lead to evidence that is low-quality, challengeable, and even inadmissible, because pressure, coercion, or violation of privacy may call the legitimacy of evidence into question. Conversely, mere protection of the accused's rights and restriction of judicial officers' powers may slow the investigative process and make truth discovery difficult. This tension demonstrates the need for a precise balance between social security and individual freedoms, which is also emphasized in the theoretical foundations of fair trial.

From the perspective of the accused's rights and fair trial, the conflict between crime detection and individual rights appears most clearly in cases where the actions of judicial officers, interrogation of the accused, search of premises, or obtaining confession are accompanied by psychological pressure or unclear legal restrictions. Although such measures may, in the short term, lead to access to evidence, in the long term they reduce public trust in the judicial system and increase the risk of judicial errors, incomplete case-building, and violation of fundamental rights. Therefore, confronting this conflict requires planning, training, and the drafting of clear

guidelines for judicial officers and judicial authorities. From a comparative perspective, in advanced legal systems such as the United States, laws and judicial precedents seek to establish a balance between crime detection and the rights of the accused. Mechanisms such as the right to silence, the right of access to counsel at the preliminary investigation stage, and precise judicial supervision over the actions of officers are examples of efforts to reduce the conflict while simultaneously guaranteeing truth discovery. This experience shows that precise observance of the rights of the accused not only protects individual interests, but ultimately contributes to the validity and legitimacy of the entire process of evidence acquisition and judicial decision-making (Mahdavi Sabet, 2012).

6.5. *The Gap Between Law and Practice*

One of the fundamental and persistent challenges in the Iranian criminal legal system is the noticeable gap between legal rules and their practical implementation in the process of evidence acquisition. This issue is recognized not only as a structural weakness, but also as a decisive factor in the quality of criminal justice and has a direct effect on the legitimacy, effectiveness, and reliability of collected evidence. In many cases, criminal procedure rules, jurisprudential principles, and criminal regulations clearly specify the rights of the accused, limitations on the use of pressure, respect for human dignity, judicial supervision, and rules of evidence acquisition; however, in practice, environmental conditions, lack of resources, organizational pressures, and weak supervision cause many of these principles not to be observed, creating a significant gap between the text of the law and executive realities. From the perspective of legal and operational analysis, this gap can be observed at several levels. First, at the stage of preliminary investigations and evidence collection, judicial officers and judicial authorities sometimes face shortages of tools, equipment, and training, which causes methods of evidence acquisition not to comply with legal rules or negatively affects the quality and legitimacy of evidence. Second, at the trial stage, delays resulting from prolongation of proceedings, lack of access to specialized resources, or shortage of qualified experts sometimes cause the evidence presented in court, although apparently lawful, to lack practical validity and full probative force. Third, weak effective supervision by

judicial and prosecutorial authorities over the performance of judicial officers causes improper conduct and deviation from legal rules to be repeated, even though the law clearly prohibits such matters. Comparative analysis with advanced systems such as the United States shows that the gap between law and practice can be reduced only through strong supervisory mechanisms, continuous training of investigative personnel, and transparency in the process of collecting and admitting evidence. International experience shows that when laws are based on the principles of fair trial and the rights of the accused, but implementation and supervision are weak, not only does the validity of evidence decline, but public trust in the judicial system is also weakened. Therefore, the gap between law and practice is a structural challenge that directly affects the quality of criminal justice and the legitimacy of evidence acquisition (Moazzenzadegan & Soheil Moghadam, 2016).

7. **Evaluation of Evidence Acquisition in Iran in Light of Fair Trial**

In the Iranian criminal legal system, evidence acquisition, as one of the fundamental pillars of the criminal justice process, has always been considered by the legislator with the aim of securing judicial truth and realizing fair trial. Nevertheless, evaluation of the actual performance of this process shows that full realization of the principles of fair trial, such as respect for human dignity, prohibition of pressure and torture, the right to silence, access to counsel, and the presumption of innocence, faces numerous challenges. These challenges sometimes stem from legal gaps and sometimes from practical and executive limitations, causing a noticeable gap between the theoretical objectives and practical performance of evidence acquisition. From a theoretical perspective, the Constitution and criminal procedure laws of Iran provide a set of principles and rules for evidence acquisition aimed at protecting the fundamental rights of the accused, the complainant, and other persons related to the case. These principles include legal guarantees for preventing physical and psychological pressure, respect for privacy, limitations on access to and search of property and persons, and the obligation of judicial authorities and officers to respect human dignity. Moreover, the position of the prosecutor and investigating judge as supervisors and implementers

of the law is an important instrument for guaranteeing the accuracy and legitimacy of evidence (Ghorbani, 2005).

Nevertheless, in practice, full observance of these principles faces serious limitations. Organizational pressures, weak training of judicial officers, shortage of specialized resources, conflict between crime detection and the rights of the accused, and prolongation of proceedings are among the factors that cause many principles of fair trial not to be fully observed at the stage of evidence acquisition. This issue not only reduces the legitimacy of evidence and increases the possibility of judicial errors, but may also weaken public trust in the judicial system. Comparative analysis with systems such as the United States shows that successful evidence acquisition simultaneously requires four key components: effective supervisory mechanisms, continuous and specialized training of judicial officers and judges, transparency and standardization of evidence acquisition stages, and strengthening of legal guarantees for respect for fundamental rights. In the Iranian legal system, despite the existence of specific rules and principles, the lack of uniform and effective implementation of these mechanisms means that evidence acquisition is sometimes incomplete or accompanied by violation of the rights of the accused, and fair trial is not fully realized. From this perspective, evaluation of evidence acquisition in Iran in light of fair trial shows that although the legal and jurisprudential foundations of evidence acquisition have considerable support, the gap between law and practice, executive challenges, and operational limitations prevent the full realization of fair trial objectives. In other words, the legitimacy of evidence is not only dependent on observance of laws and regulations, but also requires the provision of practical conditions, continuous supervision, and precise respect for the fundamental rights of individuals at all stages of evidence acquisition. Analysis of the current state of the system of evidence acquisition in Iran from the perspective of fair trial criteria shows that although there is a legal framework and fundamental legal principles that theoretically seek to guarantee the rights of the accused, the complainant, and other persons related to the case, in practice the system faces significant challenges and deficiencies. Fair trial, as the main pillar of criminal justice, emphasizes a set of criteria including respect for human dignity, the

right to silence, prohibition of torture and coercion, access to counsel, the presumption of innocence, and equality of the parties in access to evidence. Examination of the actual performance of the evidence acquisition system in Iran shows that full realization of these criteria has always faced limitations and conflicts. One of the main axes of criticism is the gap between legal provisions and their practical implementation. The Criminal Procedure Code, Islamic Penal Code, and other related regulations provide a set of clear principles for evidence acquisition, but uniform and effective implementation of these principles at the level of judicial officers, prosecutors, and judges faces practical problems. Organizational pressures, lack of specialized training, and inadequate resources cause the stages of evidence collection and evaluation sometimes to be incomplete, unstable, or delayed. This issue not only affects the validity of evidence, but may also lead to violation of the fundamental rights of the accused and reduction of judicial legitimacy (Aghaei Janat Makani, 2017).

Another challenge is the conflict between crime detection and respect for the rights of the accused. In many cases, the desire for speed in detecting crime and collecting evidence causes the principles of fair trial to be marginalized. Pressure to produce rapid results, restrictions on access to counsel, and the use of insufficiently controlled methods in questioning the accused or witnesses are all examples of this conflict, which may reduce the legitimacy of evidence and public trust in the judicial system. Moreover, the problem of prolongation of proceedings and the complexities of the process of collecting and presenting evidence constitute another weakness of the existing system. The lengthening of investigation and trial stages, in addition to creating psychological and social pressure on the accused and the complainant, creates the conditions for judicial errors and reduces the quality of court decision-making. This situation indicates the necessity of revising the executive and supervisory mechanisms of evidence acquisition and creating practical solutions to increase the transparency and efficiency of the system. On the other hand, critical analysis shows that enforcement guarantees for addressing violations of fundamental rights, although provided by law, do not have the necessary effectiveness in practice. Disciplinary and criminal liability of officers, compensation for the accused, and the effects of violations on the court

judgment exist as deterrent instruments, but in many cases, due to weak supervision, lack of judicial culture, or operational limitations, they are not fully applied. These weaknesses cause evidence acquisition sometimes to be accompanied by a threat to observance of fair trial. In light of these points, it can be concluded that the current state of the evidence acquisition system in Iran, in light of fair trial criteria, is not desirable and requires extensive structural, educational, and supervisory reforms. Realization of fair trial requires not only comprehensive and clear legal provisions, but also precise implementation of these provisions, strengthening of judicial and organizational supervision, specialized training of judicial officers and judges, and creation of transparent and efficient mechanisms for collecting, evaluating, and presenting evidence. Only in this way can it be ensured that evidence acquisition in Iran is both legally legitimate and, through full respect for the fundamental rights of individuals, guarantees the quality and validity of judicial decisions.

8. Conclusion

A criminal justice system that seeks to realize justice and fair trial cannot focus only on the result of obtaining evidence while neglecting the methods through which it is acquired. Therefore, the starting point for guaranteeing fair trial is observance of the principles and rules governing criminal evidence, especially at the stage of its acquisition and use in criminal proceedings. Thus, the effect of evidence acquisition on the realization of fair trial in Iran must be examined. Legitimate and lawful evidence acquisition not only contributes to discovering the truth of the crime, but also protects the rights of the accused and guarantees the transparency and legitimacy of judicial decisions. Therefore, analysis of the process of evidence acquisition in Iran must be conducted within the framework of legal criteria and the principles of fair trial, with attention to international human rights standards, so that weaknesses and opportunities for improvement can be identified. The findings of this study show that evidence acquisition in Iran has strong legal and jurisprudential foundations, such that principles including human dignity, prohibition of torture and coercion, presumption of innocence, right to judicial recourse, inviolability of life, property, and reputation, and observance of legal formalities are emphasized in general and special laws, criminal procedure, and

jurisprudential and Sharia foundations. These principles theoretically constitute instruments for guaranteeing justice in the process of collecting and evaluating evidence and reflect the judicial system's effort to observe fair trial. However, critical examinations showed that, in practice, the gap between legal provisions and their actual implementation is significant. Weak training and preparation of judicial officers, organizational and statistical pressures, conflict between crime detection and the rights of the accused, prolongation of proceedings, and limitations in supervisory resources and tools have caused many principles of fair trial not to be fully and effectively implemented. Consequently, the legitimacy of evidence, the validity of the process of collecting and admitting it, and public trust in the judicial system face serious challenges. At the level of jurisprudential and Sharia foundations, principles such as the prohibition of spying, the no-harm rule and prohibition of coercion, confession, testimony, and the judge's knowledge play a fundamental role in the legitimacy of evidence. These foundations, in addition to emphasizing respect for individuals' rights, provide an ethical and legal framework for collecting and evaluating evidence. Nevertheless, practical limitations and the gap between law and implementation show that full observance of these foundations requires structural reforms, specialized training, and strengthening of judicial and organizational supervision. Overall, it can be concluded that the system of evidence acquisition in Iran, although possessing strong and clear principles from legal and jurisprudential perspectives, faces multiple practical challenges that limit the full realization of fair trial.

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.

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