



Terms of mediation in criminal procedure emphasizing mediation Regulations approved in 2015

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ABSTRACT

This paper was done with the aim to review the requirements and rules on mediation in accordance with regulations approved in 2015 with the library and documentation method. The results show that, one of the innovations of the Code of Criminal Procedure, approved in 2013 is the specific prediction of a criminal case referring to mediation from judicial authorities, in Article 82 of the mentioned law. In this law, articles 1, 82, 83, 84 and 192, obviously, have discussed the concept of mediation and its implementation conditions. Article 192 of the law explains the duty of interrogator in referring the case to the mediation and the establishment of peace and reconciliation between the parties. Referral to mediation is the action that is predicted with inspiring the teachings of restorative justice and in order to compromise the parties and withdraw minor cases of judicial process. To reduce the claims of reason, preventing from reaching the lawsuits to the courts and reducing the volume of lawsuits, in implementation of Article 84 of the Criminal Procedure Code approved 2013 and its amendment "Regulations mediation in Criminal Matters approved in 2015", is issued in seven chapters and 38 articles. In these regulations, in addition to terms and definitions (Article 1), important issues such as how to refer to mediation (Article 2 to 6), selecting the mediation and its conditions (Article 7 to 10), the conditions and how to establish the mediation institutions (Article 11 to 14), the responsibilities of mediators (Article 15 to 32), the costs of mediation (Article 33 and 34) and monitoring the mediation process (Article 35 to 37) have been mentioned and have been decided about them.

Keyword:

Restorative justice, mediation, criminal procedure Act of 2013, Mediation Regulations approved in 2015

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