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Evaluation of Clinical Criminology, Recommendations and Ordinances of the Special Pediatric Courts

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Abstract: *Child and adolescent delinquency is an undeniable reality in the world that requires a special approach in all areas of society by a specific legal and judicial system. The criminal policy of discriminating and specializing in the criminal law of children is aimed at departing from the purely criminal view and resorting to a reformed, reproductive and preventive approach in line with the achievements of today's human society. Clinical criminology, by considering the offender's personality and the environment around him, considers the causes and risk factors of the offender and ultimately aims to correct, treat and re-socialize the offender. Equality oversight recommends those measures. Therefore, the criminal justice system for children and adolescents should, at all stages, benefit from the clinical criminology to return to the normal cycle of social life. Personality filing, which contains the opinions of various medical, psychology, and criminology specialists, is needed along with the criminal record to take appropriate action considering the child or adolescent's character.*

Keywords: *Delinquent children and adolescents, Clinical criminology, Pediatric Special Court.*

INTRODUCTION

Although the future of children and adolescents has been one of the concerns of human societies, it has usually been neglected and ignored (Assyria, 2013). That is why today's international crime prevention strategy has shifted from tertiary level (adolescence, disabling, correcting and treating criminals) to early prevention and moving towards a combination of primary prevention and secondary prevention (prevention of delinquency at risk). Attempts to prevent children and adolescent at risk to be offenders have legitimate grounds. Identifying the risk factors for crime tendency as well as identifying the protective factors for children and adolescents are two major pillars of sustainable development.

Iran's Legislative Position on Post-Revolutionary Laws

After the victory of the Islamic Revolution, the criminal law of the Islamic Republic of Iran underwent major changes, of which the main reason was the Iranian legislator's adherence to Shari'a norms and the well-known views of jurists. The following are some of these changes:

The Islamic Penal Code was enacted in 1982, which is stipulated in Article 26 that: "Children are free from criminal responsibility if they commit a crime and their education, according to the court, is the responsibility of the Children and Adolescent Correctional Centre". In addition, it was stated in Note 1 that: "A child means the person whose the religious level has not reached maturity". Nine years later, in 1991, the Islamic Penal

Code was adopted. The law also introduced the former lawmaker and held the age of criminal responsibility in Article 49 to be equal to the legal maturity. According to Article 49 of the Islamic Penal Code of 1991, Crime means the lack of criminal responsibility.

And according to a note, "child means a person who has not reached the legal maturity. The legislator here merely defined the child and did not refer to "religious maturity", but in judicial procedure, the basis of religious maturity was Article 1210 of the civil law, "age of puberty". While this ijthihad was in contrast to the text of the "Shariah maturity", the legislator had publicly and consciously coined the term "Shariah maturity" and this was consistent with the jurisprudential principles. With the passage of the new Islamic Penal Code, it is observed that the age of puberty (9 years and 15 years) has again been considered as the criterion for determining the age of criminal responsibility. The legislator's greater flexibility in this regard regards Article 91 of that law. In sum, it can be said that the Islamic Penal Code of 2013, compared to other post-revolutionary laws, has taken forward steps in respect of the rights of children in conflict with the law and has recognized fair social responses to them. Despite the current criticism of its position on the alignment of the age of criminal responsibility and maturity, the shari'ah has not fallen short of preserving the appearance of the shari'a from the former, adopting a new criminal and discriminatory policy, albeit in the form of coming back to adulthood (Pourkhermani, 2013).

Laws on the Procedure of Juvenile Justice in Iranian Criminal Law

The need for a discriminatory approach to the rights of children has prompted national legislators to seek to amend the existing laws for children, based on social realities, and to adopt specific laws that include criminal justice. A return to adulthood is based on compassion, correction and treatment, or on repression and ta'zir

In Iran, after the Penal Code, which referred to the manner in which children were dealt with in several articles, the first law relating to the establishment of juvenile criminal courts was adopted in 2006 and brought to the attention of the courts and their verdicts. Following the victory of the Islamic Revolution, the legislator modelled on Islamic law by adopting new methods in the Islamic Penal Code of 1991 and the Criminal Procedure Code of the Islamic Republic of Iran and the Criminal Procedure Code adopted by Jadid al-Nawzad. However, the importance of paying attention to children and juvenile delinquency and their equitable access to justice demand that an independent law addresses how to deal with child and adolescent offenses by adopting new and effective approaches. The substantive part of it was approved by the Majlis in the form of the Islamic Penal Code and its formal part in the form of the Code of Criminal Procedure (Shamlou, 2010).

Pre-trial stage

The pre-trial stage is the first stage of the criminal offender's entry into the criminal process, and it is important that they are most likely to attack against their rights at this stage. Since children and adolescents first encounter the judiciary at this stage and the first is the ability to influence higher education that can overshadow the actions of other stages, aimed at organizing the structure of this stage to achieve its goals including supportive and, more importantly, prevention-based goals. The development of child litigation is of particular importance to the society.

1- Juvenile Police

In Iran, in accordance with Article 31 of the Code of Criminal Procedure, a special juvenile police force is set up to ensure the proper confrontation with child and juvenile offenses. Subject to the provisions of this article, the duties and powers of the Special Juvenile Police shall be by virtue of a law prepared by the Head of the Judiciary.

It should be added that note 1 of Article 285 of the Code of Criminal Procedure states that preliminary investigations of all offenses under question 15 shall be conducted directly in the Juvenile Court and the General Court. With regard to the duties that law enforcement officers and prosecutors perform, it may be remembered that they did not have a position and it is better to change the title of this specialized unit to the juvenile police. In response, it should be noted that, as noted above, judicial authorities do not have the right to

intervene in pediatric cases, but in practice, there are instances where the court may refer some investigations to the unit. Article 42 also confirms this, inasmuch as it permits the interrogation of persons under fifteen whenever possible by a female interrogator. As in any other case, cases of capture and arrest are carried out by law enforcement; therefore, the PPS has meaning and should be formed in the performance of these duties.

2-Children's and juvenile court

In dealing with child abuse, one of the decision-makers is the Juvenile Court, where in most countries, a child is convicted of a crime when he or she has not reached the age of criminal conviction. Separation is a more equitable stage of pre-trial proceedings in juvenile court because it impartially impedes the adjudication process. Another institution established under this Act and Article 7 is the Special Juvenile Court. It states, "In the case of the Juvenile Court and in its place, a branch of the Public Prosecutor's Office and the Revolutionary Tribunal shall be set up under the supervision of one of the Assistant Prosecutors, with one or more interrogators present."

A: The scope of competence

Prosecutor is responsible for conducting preliminary investigations into the crimes of fifteen to eighteen years of age teens. It is considered that, given the scope of its jurisdiction, the relevant prosecution, despite its title, should be considered as a juvenile court's disqualification because it is not competent to deal with the crime of persons under 15 years of age. Therefore, the title of juvenile prosecutor is appropriate for naming such an institution. It should be borne in mind that the lack of interference by the prosecution in relation to children does not mean that their cases should be brought directly to court. Rather, "as with other crimes, the case was first filed in the public prosecutor's office, and when the investigator established the conditions of the case, and sentenced it, it was sent to the juvenile court without any prior conviction" (Khaleghi, 2014). According to Articles 306 and 340, the offenses against chastity, as well as the criminal offenses, the seventh and eighth grade will also be tried directly by the competent court. Article 7 of the Convention on the Rights of the Child, as stated herein, applies to all persons under the age of five unless it is determined by the Penal Code (Mousavi).

B: Examine the governing

formalitiesWith regard to the formalities concerning the ruling governing the judiciary, one of the most important aspects of child litigation is its participation. Of particular, the involvement of parents and the attention of the family in this process of juvenile proceedings is important. Article 287 of the Code of Criminal Procedure enacted, in view of this fact, is significantly different from the same provision in the former law. According to Article 287, during preliminary investigations, Bozepress is obliged, in the first instance, to send the adolescent parents or legal guardian, or if they do not have access to, or refuse to admit, any natural or legal person that they consider appropriate. It is obvious that in case of children in preliminary investigations carried out by the court, the issuing authority is the judge. This article further states that, if necessary, bail may be obtained only from defendants over fifteen years of age. It should be said that the articles which permitted solitary confinement are permitted only in certain circumstances and that the affidavits which may lead to solitary confinement are prescribed, if necessary, in relation to the persons with questions. Consideration is given to the principle of minimal criminal law intervention. The principle of minimum intervention involves the application of criminal law as a last resort and, in the least necessary factor (Nubarbar, 2011).

Hearing

The Juvenile Court shall be constituted under Article 294 as a subset of the Criminal Court. According to this article, criminal courts are divided into criminal court one, criminal court two, revolutionary court, and juvenile court. Pursuant to Article 408 of the Act, the Chief Justice the Central Provincial Courts shall also preside over each district presided over by juvenile courts. This court shall be constituted in accordance with Article 298 of

the Law, with the presence of a judge and an adviser. According to this article, the advice of the consultants is advisory.

Scope of competence

A very important issue in relation to this particular institution is the jurisdiction of the Special Tribunal for Children and Youth. Regarding the area of personal jurisdiction of the Juvenile Court, Article 304 states: "All crimes against children and persons under the age of eighteen shall be heard in the Juvenile Tribunal. It is observed that, contrary to the former law, it also deals with adult offenses under the age of eighteen in the same article and immediately after the children, indicating that the approach of the legislator is to change and to take into account the fact that under the age of nine are as much as children. Therefore, increasing the range of protections envisaged by law have taken place within the Special Child Protection Model because it reduces the age of criminal responsibility and, consequently, the reduction of the area of jurisdiction over the effects of criminal justice since it is not suitable for children. It should be noted that the Islamic Penal Code has also been amended with regard to the age of criminal responsibility of children and, in terms of progressive criminal liability, under Articles 88 to 96, specific rules on juvenile delinquency and accountability for children. It has been forecasted for 9 to 18 years old persons. Hence, the jurisdiction of the Juvenile Court is also intended for children and adults under the age of five to be provided with the opportunity to enforce the rules of Islamic Penal Code. The subject contemplated in this area is Note 2 to Article 304. It would have been better to have children and adolescents still in the care of juveniles, given the age at which they were sentenced, even if they were over eighteen years of age at the time of the hearing. What is important to consider in a dedicated bestseller is its advantages, and the final section of the note does not solve the problem. Criminalizing juvenile delinquency at the time of committing a crime does not pose a legal challenge either, as the Juvenile Court is competent to deal with juvenile offenses and adolescents. It is probably more appropriate to investigate such a person in juvenile court because the person who has committed the crime during his adolescence (before the age of 18), he did not want to plead guilty (Mirkamali and Hosseini, 2016).

With regard to the inherent jurisdiction of the courts for children and adolescents, it would seem useful to consider the matter, the bill and the subpoena. In view of this article, it is clear that, on the one hand, the criminal court of one jurisdiction is specialized in dealing with juvenile offenses, and on the other hand, this court is solely concerned with the investigation of juvenile offenses committed by a juvenile offender. The jurisdiction of the Criminal Court is set out in Article 302; therefore, if the offenses are committed by the offender, the juvenile court shall still have jurisdiction over the juvenile court, which is a specialized court. According to Article 288 of the Islamic Penal Code and the Note, it is also possible for the offenders to commit the offenses in question. It should be noted that the original version of Article 315 was initially applied in the June amendment "if the children and juveniles commit one of the offenses falling within the jurisdiction of one or more revolutionary criminal courts for that crime, the Criminal Court will deal with a special case for juvenile and juvenile offenses. The accused shall enjoy all the privileges afforded to the Juvenile Court.

The unity of procedure, dated 25/10/2010, as well as between the Revolutionary Tribunal and the Juvenile Court, considered the Juvenile Court to be competent. Because of the scope of jurisdiction of children and infants. The punishment of a juvenile offender has been expelled and the jurisdiction of this court has been limited. The change in article writing being consistent with the doctrinal teachings of the child is, therefore, defensible. However, the fundamental flaws in this article remain because, given that the offenses that fall within the jurisdiction of this court are, in principle, and serious offenses, the question arises as to why such a court is specifically foreseen. Other juvenile offenses, which are likely to be lighter, will be tried in a private court. Adolescents, of course, also need the legislator's special attention, as is the overall legislative approach in criminal procedure law, the harmonization of child and juvenile justice rules. As a result, such a policy is inconsistent with the objectives of the child criminal justice system and not only demonstrates a lack of uniform procedure and inconsistency in the rules of procedure for children, but also impedes access to the intended goals

Court organization

Juvenile Court is headed by the Chief Justice of the District Courts of the Central Province of each district as the case may be, and the judges shall have five years of judicial experience with regard to age and educational backgrounds (Mousavi, 2016). According to Article 298, a judge is considered an adviser to this court, who should be familiar with child-related and psychiatric issues from educational science, psychology, criminology, social work, social science, and pedagogical issues to Article 410 counsel. In addition, selected teens both employed and retired. As to the manner in which these consultants are selected, the note reads as follows, "To elect the consultants, the head of the jurisdiction of each branch shall appoint at least eight men and women as qualified under the terms of this section. The chief justice of the province appoints at least four people for a two-year term and is eligible for re-election. "

Note - This Article also specifies for the special protection of female children that at least one of the counsellors must be female if the accused is female. In the pre-reform context, the legislator had indicated that there were two advisers to judge, but in the reform, the legislator reduced the number of advisers to one but neglected to review Article 410 notes and as can be seen, it is stated in note 2If that at least one of the counsellors is accused of being a female, the counsellor should be a woman who is at least extra here. Article 411 also provides: "Where the Juvenile Court Judge remains in a legal position for some time, the President of the Court of Justice may personally serve in his or her capacity as one of the newly appointed Judges.

Arrange for consideration

Articles 412-417 are set out in the order of the Juvenile Court. Article 412 specifies the time for the notice to be given, after which the parent, guardian or legal guardian of the child or the juvenile shall be appointed, his or her lawyer and prosecutor and complainant shall be notified too. Note 1: This article has established that whenever the accused is 18 years of age or older, the defendant or his lawyer shall be tried at the time of the hearing, which means that he or she must be notified of his or her parents or grandparents.

In particular, it is unlikely that the matter should be reconsidered based on laws without prior notice of the possibility of a reasonable hearing. Note 4 also provides for punishable offenses of the sixth, seventh and eighth degree, as well as the offenses punishable by statutory punishment other than imprisonment in cases of the accused and his or her parents or legal guardian, and if they have a lawyer, The court can, however, request a hearing and provide a hearing without making a timely determination, consider and make a decision. This note, in fact, does not require the presence of Shaki and the prosecutor in the abovementioned crimes and has been provided for the protection of children and adolescents.

This was one of the good legislators' support for children and adolescents, and even better, it was stipulated in a notice that juvenile delinquency proceedings should be fixed as soon as possible. Article 413 also declares the presence of other persons other than the persons related to the case, subject to the consent of the Tribunal. Article 414 also took this view from another angle and stated: "Where the interest of the child in the matter referred to in Article 304 of this Code is slow, all or a part of the proceedings may take place in his absence. The vote of the court shall in any case be counted in person. In fact, the legislator has expeditiously allowed the child not to be present at the hearing if he or she is not required to appear in court, and this is one of the legislator's good protections for children and adolescent .

Article 415 also provides for the designation of a lawyer for children and adolescents: "In the criminal proceedings before them, the criminal court has jurisdiction, or crimes requiring the payment of a fine in excess of khums and complete punishment. Six or more, the prosecutor or juvenile offender is accused of being a legal guardian. He states that he will appoint a lawyer for him. If the lawyer is not appointed or the lawyer is absent without a justified excuse, he / she shall be appointed by the judicial authority for the accused. In the seventh and eighth grade, either the legal guardian of the child or the juvenile can determine his or her own defendant or lawyer. The teenager can defend himself as well. Article 5 also provides for the prosecution of a claim for damages resulting from a crime which must be made in accordance with the statutory provisions of the probation and interim injunction, and the presence of a minor is not required in this proceeding.

Article 418 also refers to the final stage of the proceedings, namely the communication of decisions and decisions of the Juvenile and Juvenile Court, which must, in addition to the complaint, the accused and the convicted person, but the legal guardian of the accused and convicted before and after the trial

Appeal and Appeal Authority

Subject to Article 444 of the Appeal Court for Appeals and Decisions of the Juvenile Court, a branch of the Provincial Court of Appeal shall be appointed in accordance with the conditions prescribed by the Chief of the Judiciary. The Appeal Authority's decisions are considered as a special case for juvenile delinquents. Under Article 445, all the judgments of the Juvenile Court shall be renewable. The procedure for an appeal under Article 446 is that it may be possible for the juvenile court to reconsider the views and decisions of the juvenile court or appeals or the court of appeals of the province or so. The juvenile is kept in the Correctional Center at the Terbit surrendered. As to the one who can appeal, Article 447 stipulates that appeals and decisions of the Juvenile Court can be appealed to a juvenile or guardian or to a child or juvenile legal guardian or to a lawyer. The prosecutor may also consider a request for reinstatement whenever he / she considers the decisions of the court to be contrary to the law. The private claimant may only appeal the award of damages or acquittal or prohibition or suspension or suspension or prosecution or archiving the case .

Conclusion:

The Code of Criminal Procedure has also made it mandatory for children and adolescents in the sixth grade. By consistently studying the character of criminal law cases and explaining the quality of the impact of this phenomenon on criminal justice institutions, it is concluded that any effective judicial policy can be adopted. In enacting the law, they must take into account the possibilities and conditions of its enactment and the possibility of enforcing and localizing it. Lawmakers and executives, especially judges, should identify the factors influencing personality formation and the factors affecting child and adolescent delinquency, and in the specifics of the personality identification, the case along with the specific criminal record and form for that particular investigation, should be made available to judges and a default warranty is defined for not adjusting it. In order to formulate and complete a personal file and to make better use of it, the executives should be provided with the financial and human resources (staff, judge, social worker, relevant experts and specialists). The Code of Criminal Procedure, During the creation of a system of discriminatory justice for children and adolescents, significant changes have been made and the new institutions have been introduced into the criminal justice system, and in particular, the criminal justice system. At a glance, the regulator's new approach, which is influenced by supportive models, is important in many ways. However, in some cases, the law of departure has departed from its supportive model and, has taken a punitive approach under the influence of other non-supportive models. Obviously, the components of the response to child abuse do not fit into a single model, but what is particularly important in this context is the attention to patronage patterns and causality in the field of child justice.

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