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An analysis of the status, purpose, and application of the criminal law concept of good faith in criminal cases

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Abstract
In every area of legal science, the concept of good faith has a special and privileged position. These days, this basic idea is mentioned either explicitly or implicitly in the legal legislation of many countries. The concept of good faith is not as often acknowledged or stressed in criminal law as it is in other legal domains, especially private law. Its practical importance has been neglected or ignored by many authors and scholars. The concept of good faith is compared to Western and Arab countries in Iranian criminal law literature. There has been no explanation given for the accuracy. Although it wasn't stated directly, the legislator subtly recognized the significance of good faith in several areas, such as justifications, the legitimacy of concealed characteristics, and the reasons why the action was obscene. Furthermore, there is a lack of clarity about the standards for identifying good faith and the criteria for finding it. The only sources of advice on these issues have been legal theory and some judicial authorities, especially when it comes to drafting findings and providing an explanation for any changes made to the charge title. The precise character and scope of the criminal reaction to good faith, however, remain unclear. The criminal exhibits focus. The broad theory states that the idea of good faith in criminal law centers on the offender's purpose and how it affects criminal responsibility. A person's good faith is used to defend their acts while exercising or using their rights by proving that there was no malevolent intent. This study used a descriptive-analytical and comparative research technique. Resources from the library were used to gather the materials.

Keywords: Criminal law, private law, legal science, and good faith

Introduction

Although the term "good faith" appears in the relevant laws and regulations of a number of Western and Arab countries, none of these jurisdictions have a clear and accepted definition for it [1]. In this scenario, only the intention—which the legal definition defines as the desire to commit a crime—is taken into account [2]. A moral concept that has been applied to the legal field is good faith. The idea of good faith was undoubtedly studied by logicians and philosophers long before jurists, and their viewpoint on the subject is very valuable. Since logic and philosophy are closely related, it is often acknowledged that the oldest research on the idea and importance of good faith dates back to ancient Greece. This is in contrast to how good trust is now understood in language. Greek is becoming more and more popular in Badi Nazar. At first, the ideas of moral rectitude and virtue are instantly clear. Many notable ancient Greek philosophers, including Aristotle, have examined the idea of goodness and purpose. For example, Aristotle argues that information gathered by the five senses in the eye is correct at first glance. However, this reality may be disproved if it is realized that the mind misinterprets or distorts this knowledge. The term "goodwill" then appeared in the works of intellectuals from the Roman and medieval periods. Additionally, Badi used the term "opinion" in its literal sense throughout the mentioned works. Direst's view of this situation is significant because it implies that when something is someone else's property, a person really thinks

that it is a property as a consequence of a duty. Over time, the word "kindness" or "optimism" started to be utilized. In several areas of law, including international law, contract law, commercial law, and especially civil law, good faith plays a significant role. But in the literature, Some countries, like Iran, have not paid enough attention to its criminal laws. A key legal idea is still the significance of good faith [3].

The theoretical and conceptual foundation of the study The word "Hasan" in Arabic refers to the opposite of ugliness [7]. Hasanah is the antithesis of sin, while Ihsan is the antithesis of asaeh. In addition to being the opposite of masawee (flaws), mahasan is the plural form of husan. In this context, "hasan" denotes beauty, whereas "many masawathah" conveys a plethora of flaws and imperfections. When we say something is "good," we mean that it improves or enhances it in the best possible way. The text remains unaltered. The word "nit" is derived from the root "Nawi Yanwi" and denotes the deliberate and determined act of acting. The way the soul guides its acts is the main topic of this research. The underlying motive for an action is often referred to as "intention." The idea of appropriate behavior is tainted. This clarifies why the Prophet (PBUH) said that the deeds were true. The process depends on people's intentions, and people make decisions depending on what they want to do. A phrase or definition in legal jargon includes the idea of having a true and sincere belief, without intending to deceive, or upholding a philosophy that is against one's conscience or is deemed unlawful. It is a mental state in which a person exhibits a high feeling of commitment and dedication. Generally speaking, goodwill is more than simply an honest mindset. One has to be actively and constructively involved in order to completely appreciate it. According to the English House of Lords, good faith is the act of treating others honestly and equitably, without trying to conceal or mislead. Roman law is the source of the concept of good faith, which in legal parlance refers to the genuine belief and desire to abide by the law. etymologically [8]. The Latin phrase "bona fides" is where the idea of good faith originated, and its history goes beyond its legal meaning to include religious and ethical implications. A person with good intentions abstains from breaking the law. Some jurists define good faith as the lack of criminal intent. Contrarily, criminal intent is the willful desire to break the law by breaking or infringing against the rights set out by the legislature. As a result, those who don't have this intention—that is, who don't want to break any laws or violate anyone's rights—can be seen as having good intents and no evil reasons. In criminal law, this notion of good intentions is important [9]. The lack of intent, which is the main element that absolves a person of responsibility for their actions as required by the legislature in criminal law, is the fundamental characteristic of the crime of malice. A crime does not happen if there is no intention to do damage. Malevolence is one of the variables in evaluating the psychological aspect of premeditated crimes. The offender's cognitive involvement [10] includes a number of components, all of which are significant in each case. Experiment 11-81:1380-10 states that critical thinking is prohibited by law. Malicious intent, a broad kind of malevolence seen in all kinds of crimes, whether intentional or unintentional, is the conscious knowledge of doing something harmful. The material component of the crime, referred to as particular malice, determines the attribution of the outcome. However, the psychological component of the crime cannot be established if this crucial component is absent or disrupted. This is made explicit in Article 41 of the French Press Law. Legal action against remarks, reports, and debates made in the National Assembly or the Senate is prohibited under the first paragraph [11]. The second clause makes it quite evident that reports from the legislative assembly's genuine general sessions must be submitted for newspaper publishing [12]. Judicial decisions and advisory views surrounding speech crimes recognize criminal purpose, or hostile intent, as a key psychological aspect; this will not result in any complaints or legal procedures. The idea of good faith may be clarified and expanded by criminal law in a number of areas, such as reasons for the action in issue, excuses, and elements that might lessen the severity of the punishment. This involves spreading misleading information, defaming someone, and upsetting the public. Enhancing the executive structure and fostering goodwill are the objectives. Therefore, the legislator eliminates the possibility of these offenses by presuming that the representatives operate in good faith and by prohibiting any limitation on their ability to voice their thoughts. In criminal actions against lawmaker charges, legal authorities in other nations may take the

good faith standard into account. For example, on November 27, 2018, at the tenth session of the Islamic Council, the court in branch 1057 of the criminal court of the two judicial complexes of government employees in Tehran determined that the accused's statement contained no evidence of criminal or malicious intent. Consequently, the court did not find the accused guilty of disseminating false information and disparaging a judge based on the principle of 37 A.H. 1. The legal idea described in Article 120 B.C. is referred to as the acquittal principle. People may be declared not guilty according to the law of uncertain ownership and Article 4 of the concept of acquittal, which was enacted in 1392. They also emphasize the significance of using strong evidence to establish someone's guilt and the accused's right to remain innocent in criminal proceedings. This location acts as a barrier for any uncertainties about a person's position as a suspect throughout the process of determining the truth in nations that use the common legal system. To put it another way, the accused's degree of honesty or lack of dishonesty influences the judicial authority's presumption of guilt. The common law courts have expanded the judicial interpretation of good faith based on the extant texts, and they have concentrated on ensuring that the decision is consistent with moral belief and justice principles. Establishing the subject of the charge beyond a reasonable doubt has been the primary goal throughout the proceedings. In common law systems like those in America and England, the fact-finder must be firmly convinced that the accused is guilty based on substantial evidence. The integrity of the decision or appeals process is seriously jeopardized by any court or procedure that ignores this norm or tries to break it. A person must be persuaded "beyond a reasonable doubt" before a guilty judgment can be rendered [13]. This assumption implies that confusion about the meaning of the word in the western legal system is comparable to doubt regarding the jurisprudential term. The 1798 decision of the Supreme Criminal Court was upheld [14]. the need to prove guilt beyond a reasonable doubt as a moral and legal precept in England starting in the late 1700s. This idea was later accepted as a basic criteria in criminal procedures. Unlike civil trials, which settle any dispute in favor of the accused, criminal courts interpret doubts in favor of the accused, even if the evidence just points to the possibility of guilt. Exoneration of the defendant is necessary in light of his guilt or lack thereof. In a criminal case, conviction requires significant evidence of guilt rather than speculation. The assumption of innocence is still in force if there is insufficient proof [15]. There are no clear rules in our nation's legal system about what constitutes good faith and how to measure it. Considering elements like appearance and genuineness, we might argue that this assertion is founded on the good faith principle [16]. As a result, the claimant's evidence has been considered credible by several legal experts, and it is acceptable to issue a verdict in absentia when the defendant is not present. By evaluating a person's psychological state, the objective aspects of their moral and social behavior, and their current and continuing generosity, the judge may determine their true intentions. To be clear, using objective or personal standards is one of the factors used to assess the accused's good faith during a trial. This is an important evaluation that is mostly the judge's duty. Lack of effort, efforts to drag out the trial, and the absence of purpose are signs of good faith. The court refrains from presenting fake papers or misleading arguments in order to start a legal action against truthfulness and stop dishonesty, fraud, or any attempts to deceive or mislead. The judge also abstains from seeking to bribe the judicial authorities or members of the court system, as well as from threatening or harassing the plaintiff. Three key elements of good faith are often accuracy, honesty, and loyalty. Following these guidelines protects those who act honorably from criticism or blame. Future discussions will focus more on this topic given the present situation.

Examining the legal characteristics and historical context of the idea of good faith in previous legislative frameworks

One important tenet of the legal profession is the concept of good faith. This idea takes on different roles in each area and covers a wide range of substantive and procedural rights. The idea of good faith is not limited by the domain since its application changes depending on the situation and the people involved. Because of this, it has an advantage that goes beyond any one industry. The psychological component of the crime and the offender's motivation are significantly correlated within the framework of substantive criminal law. His malicious motivation is eliminated if the proof

demonstrates his good intentions. The idea of inviolable rights usage serves as the foundation for the connection between the standard of good faith and the legal justifications, abbreviated characteristics, and reasons for obscenity. The idea of good faith functions as a protection in the context of legal rights and legal processes to guaranty a fair trial and to stop the exploitation of opportunistic people or the violation of the accused's rights. The notion of good faith in procedural law has three primary functions in the majority of European legal systems. First of all, it serves an interpretative role, influencing and guiding the application of a number of procedural rules and concepts, including the principle of correspondence between parties' claims. Second, it allows strict rules and regulations to be modified and adjusted, which fulfills a corrective purpose. Finally, it fulfills an additional purpose by allowing a knowledgeable and experienced judge to decide what is right or wrong in situations when the legislator's decision is silent, flawed, or unclear. The concept of good faith is broadly accepted in contemporary legal systems. It is clearly stated in both national and international laws as a core principle that is essential to their legal systems. A fair trial, according to the European Court of Human Rights, includes all aspect of the trial [17], from the collection of evidence to the execution of the decision and, therefore, conformity to the principle. Good faith includes not only the court trial phase but also earlier procedures like criminal detection and preliminary investigations. As a result, this rule must be followed in all legal acts by any governing body that has a legal obligation. It is essential to uphold the guaranties of a fair trial. One important factor that determines conduct validity is the idea described above. Sharia only permits actions that are motivated by noble motives. Since good faith is a standard for human behavior and is more important than actual deeds, it is considered a requirement for appropriate behavior. The Holy Prophet (PBUH) said that the foundation of good deeds is the believer's goal. In other countries, like Iraq, the idea of good faith is clearly established in several criminal code rules [18].

But the degree of lucidity and openness in the legislator's decisions differs depending on the situation. Additionally, the legislator has not defined the aforementioned term.

The region between the rivers of Mesopotamia is one prominent example of the historical roots of the idea of good faith in ancient legal systems. This region is often referred regarded be the cradle of human civilization [19]. traces the beginnings of its civilization back to the Stone Age. Through its varied collection of regulations, like the Or Nemo Law, it has continuously emphasized the significance and need of maintaining honesty and integrity in the legal system. As seen by the stress on Yazidi Ordali's arbitration and the examination of reason to establish the accused's innocence, the text highlights the significance of honesty, trust, and good faith in dealings with people [20]. If the court authority decides differently, the person will be held legally and criminally responsible. For example, if someone accuses someone else without offering proof, the court will consider that person to be acting in bad faith. The accused files a fraudulent case and wastes time in court due to their lack of good faith. He was convicted. Article 17 of the Lipit Ishtar Law states that if someone accuses another person in a lawsuit and the accused is unaware of the charge and the accuser is unable to present evidence against the defendant, the accuser is liable for any penalties that may be imposed on the defendant as a result of the accusation because it shows a lack of good intentions. According to Article 39 of this law, anybody who accuses a free man's unmarried daughter of having sex with a man—regardless of the girl's innocence—must pay 10 shekels of silver for being dishonest. Hammurabi's [21].

legislation, in particular, emphasizes that, in comparison to the prior law, there is a more stringent and punitive approach. This shift is the result of Hammurabi's desire to have more authority over the surrounding regions. This article states that if someone defames another person and the issue cannot be settled by legal channels, the defamer would be punished by being submerged in the holy river. If the water recedes, his house will be seized by the government. But if it stays safe, it can act as a trap and kill the person who tosses it. Article 3 of this legislation states that a person is deemed dishonest if they provide false evidence in court and the court is unable to confirm the veracity of their statement, especially if it involves human life. Because of their acts, the person will get the death sentence. According to the rulings, intentionally hurting oneself with the goal of punishing oneself is equivalent to the injury that was sought.

There formerly was a society in Egypt or the Nile

Valley that valued justice and had an advanced system of evaluating people based on the [22]. their objectives as opposed to their worldly belongings. In Rome, upholding the values of justice, behaving honestly, and refraining from dishonest behavior were highly valued. The celestial rules, especially the Mosaic law of Prophet Moses, highlight the significance of profiting from good intentions toward others, avoiding thoughts of animosity and hatred, and expressing love toward them. Those who behaved in bad faith were condemned. In a same vein, the virtue of kindness and tolerance is also emphasized in the Shariat of Christ, peace be upon him. Every issue highlights the significance of having good intentions, and Christians think that God knows their innermost feelings and intentions. The perceptive interpretation of the Holy Quran is that God will eventually hold you responsible for your deepest thoughts, whether you choose to reveal them or keep them hidden [23]. Due to its solid theological and philosophical foundation, the concept of good faith has achieved substantial respect in many legal systems, especially in the field of criminal law. This has brought attention to how important good trust is.

The present inquiry examines the state of the concept of good faith in punishment and its pivotal role in safeguarding the rights of the city of Vendee

The idea of good faith is now seen by many European legal systems as a deterrent against the exploitation of opportunists in court cases and the violation of suspects' or defendants' rights. Numerous legal systems throughout Europe reflect this. Three primary goals are served by good faith in procedural rules: The first function is interpretive and principled, based on a number of ideas and procedural steps, including the idea of guiding and aligning with shadow-related features. Modifying and adapting strict laws and regulations is the second goal of rectification. When there is a defect, ambiguity, or lack of clarity in the judgment, it acts as an extra function for a qualified and experienced judge to distinguish between what is right and wrong. reported their research on pages 122–130. The concept of good faith is ingrained in the rules of developmental legal systems [24]. According to the court's decision, all stages of European human rights procedures—from discovery to execution—are fair. Respecting the idea of good faith includes upholding it inside the courtroom as well as throughout the trial phase. The criminal trial and the discovery stages are the two main first stages of judicial proceedings. As a result, it is imperative that all judicial authorities with a duty or role attend and take part in the proceedings. The organization makes sure that it conforms to the notion of good faith and follows procedures that advance justice, both of which are critical to its effective operation. describes how the good faith concept should be used when it is seen to be more relevant. Even outside of the judiciary's purview, it is essential to guaranty that crimes, viewpoints, or certain elements are treated with significance and consistency. This strategy reduces the possibility of violating people' and judicial courts' rights, especially when dealing with corrupt persons and economic disruptors. Crimes against those who defend their nation are investigated by specialist departments, shadows, or comical criminal politics. Unusual incidents and trials that put the values of justice to the test are sometimes included in these studies. Even if you have faith in the processes, it's crucial to understand that the criminal justice system is a complex and ongoing cycle. the principle of good faith [25]. does not protect the other phases from possible harm if it is compromised or violated at any stage.

The rationale for legal exemptions based on the concept of good faith

Unless specifically specified by the law under certain circumstances, legal grounds, such as exemption from penalty or reduction of punishment, are not regarded as excuses. In some circumstances, the court must respond after carefully considering the facts in accordance with the legislator's explicit mandate. The legislation expressly declares that exclusions from punishment relate to certain grounds and explanations that enable the court to exempt a criminal from the mandatory sentence for a crime. Even after admitting the conduct and fulfilling the conditions for criminal culpability, the court still grants an exemption. The lawmaker used the social advantages of the exemption—which are deemed more significant than the element of punishment—to justify it, as stated in Al-Baghal's 1982 report. The general consensus is that punishment is justified by the benefits it provides to society. By helping to identify crimes and apprehend accomplices, the criminal serves society by making it easier for law enforcement to carry out their duties. Consequently, the

importance of this service exceeds the damage caused by the crime. We encourage and persuade the criminal to stop their illicit actions by using the exemption from penalty. The goal is to protect society from the harmful effects of the crime and the criminal [26]. This scenario was possible in the past, but the fear and risk involved have since decreased. This kind of exemption is seen to be personal and to have no bearing on the guilt of the offending party or parties. It lessens the seriousness of the offense and lessens the possibility that the criminal, who faces a certain legal punishment [27].

will be at danger. The offender has the chance to reduce the sentence to less than the minimum required by law based on the judge's ruling. There are two types of explanations that may be used to mitigate the harshness of punishment:

1. Comprehensive explanations include a range of violations, including good intentions, and link the victim's unjustified actions to the offender's increased danger. The admirable goal in the field of motivation is to respond in a constructive way, regardless of the offender's mistake in selecting the proper techniques. As a result, the lawmaker feels that the offender should be given a lighter sentence despite the wrongdoing. Additionally, even if the victim's dangerous acts were unjustified, the existence of a noble motive together with "provocation"—the expression of great wrath within an individual's psyche—could result in a decrease in the criminal's punishment. The aforementioned situation causes the criminal to lose control over his mind, which weakens his will. In addition, the Iraqi legislature uses the justifications of honorable purpose, strong fury coming from mental disturbance, and a deficit or lack of volition or awareness. This practice is based on Article 60 of the Iraqi Penal Code. It has been made clear.

2. Legislators have created special reduced justifications for certain offenses. Only certain crimes are covered by these justifications, and their consequences are not known until the crimes are performed. For instance, according to Article 256 of the Iraqi Penal Code, one such justification in certain nations, such as Iraq, is the capacity to testify as a witness under duress or by lying. The Iraqi Penal Code's Article 311 creates judicial or administrative entities to deal with bribery carried out by a middleman prior to the end of criminal proceedings. Exemptions, in contrast to excuses, prohibit prosecution for any criminal violation, whether it be the primary offense, a subsidiary offense, or a supplemental offense [28].

The rationale for using abridged attributes in light of the concept of good faith

The legislature's transfer of judicial authority to the judge to decide the harshness of punishment is a fundamental component of criminal law. The offender is surrounded by the law. Nonetheless, there are situations in which the judge may base their ruling on a just and appropriate degree of punishment within a flexible range. By giving the criminal the proper punishment, the judge may accomplish the essential goals of the legal system while taking into account both community and individual interests. A fair and appropriate penalty for the offender is determined by the court depending on a number of considerations. The lawmaker, however, feels that the criminal's circumstances do not warrant incarceration. In this particular case, the court has discretionary jurisdiction, which is often referred to as diagnostic authority. One source claims that circumstances are the mitigating considerations that allow a judge to impose a punishment that is less harsh than what the law typically dictates or prescribes. Occasionally, the court may adopt "abbreviated aspects"—discretionary grounds for alleviation—to justify mandatory reductions via legal exclusions. The severity of punishment may be lessened by a number of factors, including the offender's age and first-time offense, strong familial ties, special circumstances, vulnerability to deceit or kindness, the lack of a prior criminal record, the victim's voluntary surrender of personal rights, the victim's satisfaction with the offender's actions, and the offender's request for leniency from the court. as stated by the source. One crucial aspect to take into account when evaluating mitigating circumstances is the relationship between the offender's acts and their good faith. This includes elements including the existence of a motivation, gathering evidence or locating property and items connected to the crime, and the accused's successful cooperation in identifying accomplices or assistance. During the prosecution or by a voluntary confession made during the investigation, the offender admits their culpability while committing a crime. The defendant may also attempt to compensate for the loss or lessen the consequences of the crime [29].

Uncovering the criminal activity and gathering the evidence

Al-Qaeda is shown to be a criminal group by early police investigations. Investigating crimes and obtaining proof to back up accusations depend heavily on questioning suspects and accused people. This procedure is important because it may lead to the issuing of a security order, which may restrict basic liberties and rights, including the momentary deprivation of an individual's freedom. Without a doubt, the good faith concept is violated when limitations are imposed and freedom is taken away. In order to ensure the correctness of the officer's report and its preparation, the judicial authority must carefully review and investigate every facet of the case. Prioritizing the idea of good faith throughout the investigation process is crucial to preventing the police from acting dishonestly, hurriedly, and emotionally in ways that undermine public trust and confidence [30].

The examination of the suspect's rights to a legal defense is now being conducted: We are keeping an eye on the subject's level of police custody. The monitored person is in a risky and vulnerable situation due to a number of restrictions and situations, including frequent questioning by law police. The bailiff has a major conflict between protecting the suspect's rights and maintaining public safety during the observation period. Furthermore, the judicial authority's control is now restricted, and a number of legal protections are, in theory, inapplicable. The suspect must now be given the chance to use their defense rights and take advantage of the presumption of innocence and the acquittal principle. To guaranty that the suspect's defense is founded on good faith, it is essential to have an impartial and equitable interaction with them. According to the idea of acquittal, a criminal procedure may only find someone guilty beyond a reasonable doubt when taking into account the presumption of innocence, the good faith standard, and the existence of sufficient proof of guilt.

Ensuring the basic rights and citizenship of the accused are upheld

Governments work to uphold citizenship rights because they are fundamental to human society. There is a lack of awareness and acceptance of people's rights as a result of law enforcement personnel's participation in the prosecution and investigation process, as well as the use of different preventative measures during suspect monitoring. Criminal procedures may suffer serious and perhaps irrevocable injury as a consequence of the violation of the suspect's rights during surveillance. Vervai and others. Individuals' intrinsic value and significance, together with the acknowledgment of their legal rights, have always been accompanied by adherence to religious concepts and foundations. Fair and impartial conflict resolution, which guaranties that each party has an equal chance to make their case and strikes a balance between the public interest and the rights of the accused, is one important premise. His injuries have decreased, signifying his release. In the workplace and when officials are present, the concept of good faith—which comprises the lack of purpose to infringe upon fundamental rights and personal liberties—becomes crucial. The process of criminal procedures is under progress. [31].

Ensuring the protection of the suspect and the accused's rights throughout the process of gathering evidence

Every stage in obtaining evidence from the accused is crucial, and any violation of this law will lead to legal repercussions. Because suspicious behavior does not equal to criminal behavior, the bailiff must act in a way that supports the possibility that the accused or suspect is innocent. The judge has the authority to decide whether restrictive measures are appropriate for the accused. The judge must ensure that the rights of the accused are protected and has the autonomy to make his own choices. This necessitates behaving in good faith, avoiding preconceived notions, and maintaining objectivity toward outside influences [32].

Adherence to the principle of upholding the accused's dignity

Islamic law mandates that both the accused and the suspect's dignity, personal status, and social position be respected. Drawing from paragraph 1 of Article 10 of the International Covenant on Civil-Political Rights, which states that we should treat people who have lost their freedom with dignity and respect, acknowledging their personhood, officers must exercise caution and mindfulness in their behavior, verbal expression, and even internal reflections across all domains. Enforcing the guaranties of fair procedures, which include the idea of good faith, is essential to maintaining the accused's dignity during criminal

proceedings and ensuring justice, especially during the pre-trial phase.

The concept of good faith at the stage of accusation

It is important to remember that throughout the accusation stage, the defendant's rights and capacity to defend themselves are safeguarded by the good faith principle [33].

A fair trial is fundamentally based on the defendant's and the legal authorities' perceptions of good faith. The criminal justice system may have a significant influence, especially the prosecution and investigation departments. The right to a defense, which enables the defendant to prove their innocence or lack of malice, is one of their legal safeguards. In the absence of malevolent intent on the part of the accused, it is proof of faith and religion—actions based on trust and reason—that significantly influences the criminal case's conclusion. The decision made by the court authorities throughout the prosecution and investigation stages will determine the result. One of the main factors at the beginning of the trial process is figuring out the perspective and charge under which a person will be prosecuted or investigated. Furthermore, [34].

The right approach and goal for the prosecution and investigation stages must be taken into account. There are possible hazards involved with rendering a judicial decision. However, it is crucial that everyone engaged fulfilll their obligations honestly and with the sincere goal of protecting the public interest throughout the inquiry and verification process. This is very important for investigators and prosecutors. According to Article 114 of the Criminal Code, prematurely or unjustifiably taking measures based on judicial authority carries a number of hazards. Numerous situations might give rise to these dangers. Sometimes the harm they do is irreparable. Based on preventative security measures, the investigator has given an order to stop or limit certain activity. This directive highlights the investigator's responsibility to safeguard the public interest. However, the injured workshop, factory, or commercial enterprise is not denied compensation or given a particular guaranty by the order. The investigator asserts that the behavior in issue is detrimental to public health, interferes with social security or order, and is backed by solid and convincing evidence. Additionally, the investigator says that the activity presents serious hazards and has the potential to result in illegal activities. When the workshop, factory, or commercial business acts dishonestly, the hazards are significantly higher. People should not confuse an individual's competence with the legal authority and judicial decision-making of the prosecuting or investigative agency. Any misuse of this position is thus an abuse of power. In general, good faith demands that choices and deeds not be excessive. To put it another way, exaggeration results in a violation of good faith. The four essential conditions for determining a judicial authority's good faith are proportionality, care, and honesty in pursuing a legitimate goal. As per the English policy guideline for prosecution [35].

This went into effect on March 1, 2018, the prosecutor must use their authority in accordance with the highest ethical standards in a fair, impartial, and honest way. Arbitrary justice is the term used to describe the prosecution authorities' use of authority in the United States of America. The prosecutor's decision-making authority in the criminal justice and law enforcement fields is often seen as unmatched in terms of supervision. According to Kinports' 2014 study, legal experts have had difficulty regulating this jurisdiction. One major barrier is the lack of court control over the prosecutor's power and unbridled discretion, which may lead to the prosecution process's requirement of good faith being ignored or abandoned [36].

The concept of good faith throughout the investigative phase

The application of legal and social institutions is usually the main topic of discussion when examining the function of the good faith standard in criminal law. This involves looking at legal justifications, mitigating circumstances, and explanations for the actions of those who say they had good intentions. It's against the law. The discussion presented above mostly concentrates on the basic elements of criminal investigations [37]. from a personal standpoint. Imagine the situation when a lawmaker's desire to voice an opinion seems to include spreading lies or slander. It is evident from public opinion that reforming the executive structure and fostering goodwill are the primary goals. Therefore, the legislator stops such crimes from happening by presuming that the representatives are operating in good faith and defending their right to freely express their thoughts. Like other countries, this country's

judicial authorities sometimes recognize the concept of good faith in the criminal examination of claims against lawmakers. This belief, for example, is supported by a document with the number and throughout the proceedings that have accused Ray Shemiranat, the former representative of Tehran, of various offenses during the 10th term of the Islamic Council, which took place at the government workers' judicial complexes department. In the Misharaliyyah case, which comprised accusations of disseminating false information and insulting an official, the court issued a judicial judgment finding that there was insufficient evidence to support the accused's intention to conduct the claimed offenses. Thus, Article 37 served as the foundation for the court's ruling.

Q. 1. According to Article 120 of the Islamic Republic of Iran's Constitution, the idea of acquittal highlights the need of proving someone's innocence and upholding their dignity. A key component of criminal proceedings in nations with common law systems is the presumption of innocence. This notion states that any uncertainty about the accused's guilt during the proceedings serves as a roadblock to proving their guilt. To put it another way, the presumption of innocent is predicated on the notion that the judicial authority acted honestly or without any purpose of lying [38]. Nonetheless, it is important to recognize the importance of the good faith standard in criminal proceedings and its applicability to the judge. In whatever situation or job, humans are free of negative, biased, or dishonest beliefs. Moral obligation is not what is necessary. It is predicated on the purpose of preserving the notion of good faith, particularly in the judicial position, and the rigorous adherence of professional ethics. The importance of good faith as an institutional but uncodified concept is often emphasized by modern criminal processes. The quality of their rulings, the kind and seriousness of their convictions, and the intent behind their penalties all serve as indicators of criminal judges' commitment to the previously described idea. Although judges sometimes establish their judgments without specifically mentioning or defining the standard of good faith, the nature of the judgment is inferred from their content. In fact, some criminal courts do include the concepts of compassion-based procedures and good faith into their rulings. Despite having no past criminal convictions, the defendant doctor was accused of receiving a bribe in a preliminary indictment filed by Branch 102 of Criminal Court 2 of Farsan City on November 30, 2014. The indictment justifies this charge by claiming that it results from deeds of compassion and kindness. The notion of good faith is extracted as a result of the concepts of mercy-based justice and compassion-based justice. Although the idea of malice is covered in great detail in Iran's penal law, there are no explicit rules regarding good faith. This is important since Iran's criminal justice system is based on Islamic precepts. One component of the concept of good faith is the obligation judges have to provide decisions in a morally and ethically sound way. Following the idea of good faith entails making decisions based on the core values that guide legal bodies rather than rigorous textual interpretation (formalism). Semantics is directly opposed by formalism, a subfield of semiotics. The essays communicate the ideas of justice and fairness while recognizing their significance and the difficulties in attaining them. They also stress how important it is to put these principles into practice. As a result, it seems that semantics has more potential to further the cause of justice than semiotics and formalism. The necessity to uphold the standard of good faith was highlighted by the judge's examination of social conditions. After taking into account all facets of friendship, the court finally decided to condemn the person. The judge of the case stated that the defendants were accused of "disturbance of public order and comfort" for obstructing public order and peace on November 25, 2018, by erecting roadblocks on Qezal Hesar Road in the document issued by the fourth branch of the General Court of Chahar Bagh District, numbered and dated 09/17/1398. Following a group of demonstrators who had parked their automobiles in the center of the road, the defendants—heavy vehicle drivers—were crossing the roadway. Despite their arguments that it was not feasible to continue or find an other route, they stopped moving in protest of the excessive, unwarranted, and sudden increase in gasoline costs. For crimes that are likely to cause controversy and protest, we hold the guilty accountable. The unusual conduct were judged by the court to be comparable to Article 618 of the Civil Code. The defendants contest the government's carelessness in carrying out a non-expert plan and, thus, participating in the legislator's defined conduct. This is due to the fact that nonviolent protest against unfavorable governance is seen as an essential component of

the bounds of freedom delineated in Principle 27 Q.A. Our country. According to Section 37 Q. 1 and Article 4, the defendants' acts were considered reasonable and consistent with civil disobedience given the conditions at the time and the lack of any unlawful behavior. An acquittal ruling is announced by the Supreme Court. The text emphasizes the judge's objective viewpoint and the endeavor to reject the charge based on the idea of good faith, both of which need considerable thought [39].

Conclusion

Rejecting or ignoring the norm of good faith, which serves as a crucial pillar, undermines and destabilizes the basis of criminal law. Although the notion of good faith is essential in all other areas of the law, it is especially significant in criminal law. Furthermore, despite being made aware of this issue, the criminal lawmakers and official criminal justice system advocates have not addressed it. The significance of the idea in criminal process has been completely disregarded by the Iranian legal system at both the pre-trial and trial stages. The legal systems of many nations, including those in the Western and Arab worlds, have provisions that deal with the concept of good faith in both formal and substantive legislation. These laws specify the requirements for recognizing such defenses as well as the several methods in which the accused may prove their good faith defense. Furthermore, they provide guidance on how the authorities might demonstrate that the accused's actions and ideas were motivated by good faith, as well as how much good faith may affect the conviction of the offender. Numerous academics have used a range of interpretations to make the judicial notion more understandable. It's also important to remember that a number of countries place a high value on the court system's commitment to the good faith concept, both in theory and in the actual implementation of the legal system. For instance, while interpreting the law, judges must take good faith into account. A fair trial may be guarantyd in a number of ways, chief among them the establishment of a supervising agency for law enforcement and investigations.Although good faith is not officially acknowledged as a fundamental component of criminal law in Iran, it does have a big impact on how criminal cases are handled. The result of the case will be greatly influenced by criminal processes. Whether it takes the form of an order or a judgment, the court's decision is shaped by the concept of good faith. In the context of criminal law, the notion of good faith goes beyond the accused or the convicted person when it comes to changing or adjusting the sentence over time. We are always debating whether this idea applies to the plaintiff, the accused, and the official participants in the criminal justice system, such as the judge, the police, the prosecution, and the inquiry. A penalty is imposed as a consequence of a crime. Consequently, legal justifications take into consideration the causes for the crime and the mitigating circumstances, including the criminal's malicious intent. The idea of good faith should be maintained at every level of the criminal procedure, including the police engagement phase, the investigation, and the imposition of punishment. This is a crucial thing to remember. It is possible to clear a large number of suspects or defendants and rescue a large number of prisoners from their sentences by proving their good intentions. This is a known fact. Furthermore, the court authority's goodwill toward the handling of the case is fundamentally dependent on the comprehension of how to provide significant instructions or the reasons to avoid the smallest penalty and the maximum punishment. The number of suspects and defendants, the total number of court cases, the number of people incarcerated and convicted, and the general fairness of trials can all be reduced by upholding the good faith principle. Maintaining adherence to the good faith standard throughout the criminal process has a big influence. There will soon be a criminal prosecution. Both the systemic perspective of the criminal process and the fundamental approach to criminal management are being seriously criticized nowadays. The presumption of innocence and the concept of good faith have been questioned in several domains by the application of the adversary's criminal law theory. This is particularly true when it comes to economic crimes and crimes against national security. The influence of mental stereotypes on authority recognition, the prevalence of judicial populism, the media's skewed depiction of crime, and the judiciary's meddling are the main contemporary challenges. Upholding the principle of good faith throughout the legal process is hampered by all of these considerations.The aforementioned factors make it abundantly evident that the criminal legislator must give top priority

to comprehending and considering the notion of good faith and its applicability. if we don't define the concept of good faith precisely and take significant action to address any violations or neglects.

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