

Explanation of the Rule of Proportionality of Prosecution in the Field of Delinquency of Children and Adolescents in Iranian and British Law

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Abstract

The necessity of the proportionality of the prosecution of the criminal case is the main one, in the light of which, the prosecutor is given the authority to abandon the prosecution by carefully examining the individual situation of the criminal and the public benefit if it is not useful. After the case is prepared, the prosecutor's office understands that it is better to prevent the prosecution. That is, if the prosecution is not a fair trial, it should stop the prosecution, which is a form of justice. The concept of the proportionality of the prosecution with the judicial principle is one of the important principles in Iranian and British law, and because justice in a fair trial must deal with the delinquency of children and adolescents with special sensitivity, and the goal is to prevent them from entering the cycle of criminal justice, which leads to the achievement of the procedure. In order to prevent the repetition of the crime, rehabilitation of the victim is an alternative to prosecution, so justice is better in this segment of the society. This article, using the analytical-descriptive method, after examining these rules, tries to find out the manifestation of this principle in Iranian and English law and discusses this principle in the criminal law of Iran and England, and this result strongly explains the effects of decriminalization and the methods used in England. According to Iranian values, give more powers to the prosecutor to act more flexibly.

Keywords: Children and adolescents; Proportionality of prosecution; fair trial; Non-judicial; UK.

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