




The Position of Individual and Group Freedoms in the Iranian Criminal Justice System and the Challenges Ahead

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ABSTRACT

The aim of this study was to examine and clarify the position of individual and group freedoms in the Iranian criminal justice system and the challenges faced. Individual and group freedoms are fundamental principles of human rights that hold a special place in the legal and criminal systems of modern societies. In these legal and criminal systems, these principles are considered as a foundation for legislation and the administration of justice. Respect for these freedoms ensures active citizen participation in social and political affairs and prevents repression and discrimination. In the Iranian criminal justice system, these freedoms are defined within the framework of Islamic principles and positive law, as emphasized in key documents such as the Constitution and the Islamic Penal Code. However, the implementation and guarantee of these freedoms face numerous challenges. This article, with an analytical approach, examines the position of individual and group freedoms within the Iranian criminal justice system and addresses challenges such as the conflict between individual rights and public interests, legal restrictions resulting from narrow interpretations of laws, and the influence of political and social considerations on the judiciary. Additionally, the role of supervisory and judicial institutions in maintaining a balance between safeguarding public security and respecting citizens' freedoms is discussed. The results indicate that one of the significant challenges is the restrictive interpretation of criminal laws regarding freedoms, particularly in articles related to national security and political and cultural offenses. Ambiguities in concepts such as "action against national security" or "spreading falsehoods" also lead to extra-legal limitations. Political and cultural structures, by influencing the criminal justice system, sometimes reveal a conflict between traditional and modern values or political party differences, resulting in unequal application of freedoms. The weakness of independent and effective judicial oversight, as well as the uncoordinated performance of executive bodies such as law enforcement and the judiciary, also contributes to violations of citizens' rights. Finally, a lack of public awareness of civic rights limits the practical space for freedoms.

Keywords: *Individual freedom, Group freedom, Criminal justice system, Human rights, Freedom of speech, Freedom of thought.*

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1. Introduction

Human beings, due to their inherent dignity, possess rights and freedoms. In the contemporary era, individual freedom in various aspects is regarded as the most vital spiritual need of humans and a driving force for the awakening of the masses, more so than other branches of freedom. Freedom, the highest and most honorable gift of humanity, has been sought by generations in the past at great risks. Since one of the most important sections of the legal system of any country pertains to the rights and freedoms of its people, this section is considered the fundamental pillar of any legal system. It is here that the unruly power is restrained by the reins of the constitution, and the relationship between individuals and the system is defined. Individual and group freedoms mean that a person should be free in matters such as movement, residence, departure from their place of living, acceptance of citizenship in their own or another country, and be free from detention without cause. Article 32 of the Constitution states: "No one shall be arrested except by the order and procedure prescribed by law." The criminal justice system is one of the mechanisms for achieving social control, and its goal is to regulate the behaviors and activities of individuals and groups in society. The criminal justice system reflects the fundamental values that represent our way of life. Punishment serves as a means to reinforce these values and ensure their observance. In this process, the criminal justice system claims that it not only seeks to protect the individual but also to safeguard the group, structure, and composition of society. Social life requires that individuals form various associations to more effectively enjoy their rights and freedoms, taking necessary actions to achieve their rights or ensure a more effective use of their freedom of expression and thought. Furthermore, the enjoyment of individual and group freedoms necessitates that these rights are guaranteed within the framework of a democratic society. Legal restrictions on freedom may exist to protect the freedom of others or to safeguard other values such as social order, justice, public welfare, and similar considerations. In general, if the governing system seeks to have the necessary authority for individuals to follow its commands, it must create the ethical grounds for the enjoyment of individual and group freedoms. The legal

system of Iran, in addition to defining and clarifying the limits of freedom, also guarantees individual and group freedoms. Therefore, from a broader perspective, it can be stated that the Iranian legal system neither embraces absolute freedom, which could lead to anarchy, nor does it completely deny freedom, which could result in authoritarianism. Instead, it guarantees freedom within a non-absolute framework, but in order to maintain public order—which includes the moral values of society (Islam and its principles), public security, public benefit, and public health—it places certain restrictions on freedoms under specific conditions. Legislators have taken steps to remove these restrictions through the formulation of new laws, but there is still distance to cover in this regard.

Individual and group freedom is of paramount importance because, if this fundamental right is guaranteed, it paves the way for the guarantee and protection of other rights. The main emphasis of individual and group freedom is on the search for, activity, formation of associations, expression of opinion, criticism, and the dissemination of information and ideas, regardless of borders or limitations. The importance of freedom is seen as a criterion for distinguishing right from wrong. Rights, which stem from human potentials, can only be realized when freedom exists to express them. If individuals and social groups are not given the freedom to express their desires and opinions as they wish, and if these ideas are censored or the individuals themselves are physically removed, how can one claim the revelation of truth? On the other hand, it must be understood that freedom is never absolute. Freedom is always conditioned. In their humanity, individuals cannot be free of all restrictions. The reason for disputes and contentious debates about the definition, clarification, and application of freedom is largely rooted in this notion. What is agreed upon by all thinkers regarding the boundaries of freedom is that it should not infringe upon the freedom of others, should not insult others, should strengthen social foundations, and should not conflict with equality and the security of society.

The Iranian criminal justice system, influenced by Islamic Sharia and constitutional principles, seeks to establish an appropriate balance between individual and group freedoms and the requirements of social order and public security. On the other hand, global developments

in human rights and civil liberties have posed numerous challenges to this system.

Key challenges include legal restrictions in certain cases, differing interpretations of individual and group rights, and judicial or executive actions that sometimes conflict with civil liberties. For example, issues such as freedom of expression, freedom of assembly, the right to choose one's lifestyle, and the right to privacy have been subjects of public attention and legal discourse in recent years. These challenges have had implications not only domestically but also internationally. Criticisms of restrictions on certain freedoms have led to a reduction in public trust within the country and have made the country more vulnerable to international pressure. Therefore, there is an increasing need to review the laws, policies, and executive approaches of the criminal justice system to ensure individual and group freedoms. The central question is: how can a balance be struck in the Iranian criminal justice system between the requirements of public order and social security on the one hand, and individual and group freedoms on the other? Furthermore, what are the challenges and practical solutions in this area?

2. Theoretical Foundations

From the beginning of the world, humans have been interested in unrestricted freedom in their lives. However, as the needs of individuals expanded and conflicted with one another, this freedom gradually became limited according to the needs of social life. Consequently, these limitations were established in the form of law, with the government becoming responsible for enforcing it.

With the passage from the Renaissance era and the beginning of the Enlightenment, views on freedom became more systematized. No philosopher valued freedom as much as Hegel did, as he considered the ultimate goal of humanity to be freedom, which can be achieved within a state. Although later, the sacred concept of the state was lost and rationality came to dominate it, freedom was always intertwined with the concept of duty. In fact, modern constitutions, by merging the principles of individual freedom and duty toward society, not only preserved individual liberty but also made individuals immediately subject to the law (Falsafi, 2011).

Thus, freedom has both positive and negative aspects. The positive aspect refers to the individual's freedom to do as they wish, while the negative aspect involves restrictions on individuals' actions. The positive concept of freedom posits that freedom is a value that is not contractual or arbitrary but is a reasonable value imposed on the world (Katouzian, 2004).

Freedom is a necessity, not merely a choice. What freedom seeks is its practicality and applicability. What matters is achieving freedom, not simply discussing abstract and idealized viewpoints regarding it. The debate over positive and negative freedom has always been a subject of discussion for liberals and their rivals. Liberals advocate for non-interference by the state in individual decisions, while socialists support state intervention to bring individual free will into actualization. Advocates of negative freedom favor a minimal state, whereas proponents of positive freedom speak of a maximal welfare state. However, from the concept of individual freedom and the necessity of duty, we arrive at the idea of collective freedom (Sham'i & Ahmadi, 2020).

Even Gard, who defines six types of freedom, includes civil freedom in this category. Collective freedom, in a broad sense, includes freedom of association, civil freedom, political freedom, freedom of speech, freedom of assembly, ethnic and national freedom, and media freedom, among others. What is crucial in determining the limits of collective freedoms is, first, creating a sense of security as a guarantee for these freedoms, and second, establishing minimum restrictions on individuals' rights (Tabatabai Motameni, 2016).

The system of public freedom is based on a series of principles and rules that are recognized as global standards for the protection of individual rights in most developed countries. These principles form a high-value concept of freedom from the perspective of these countries. According to the previously mentioned concepts, freedom primarily refers to individual and collective liberty, which was initially presented by prominent philosophers such as Hegel, then expanded by Berlin, and later manifested through major political parties such as liberals and socialists. Berlin, in his book *Four Essays on Liberty*, defines freedom as possessing positive properties that must be made available for freedom to be achieved. He contrasts this with the concept of negative freedom, which holds that being free

means there should be no obstacles or constraints on one's actions. Philosophers like Philip Pettit and Quentin Skinner also shared this view. However, what Hanna Arendt, the German philosopher, says about freedom is historically linked with revolution. For Arendt, the ideals of individuals manifest in the cry for freedom. The debate over how every revolution, in pursuit of its objectives, contributes to realizing its ideals is always contentious (Moazzami, 2019).

Freedom is one of the important and contemporary issues of human society. In fact, the relationship between freedom, social order, and the policies of governing systems forms the social and political boundaries between nations and types of political systems. Freedom is a concept that is expressed in various ways. Some scholars have attempted to find a common ground in these different interpretations, believing that "the concept of freedom consists of three elements: the agent, the obstacle, and the goal." Therefore, they have tried to develop a unified concept from the various theoretical perspectives on freedom. In fact, freedom is a term with a single concept but multiple interpretations. The reason for these varied interpretations stems from differing views and theoretical foundations of freedom. Depending on the underlying basis of freedom and the framework or theory used to assess it, its meaning and nature will vary. Therefore, to properly understand the concept and dimensions of freedom, one must first trace its origins, understand how and why it entered social and political discourse.

At first glance, it seems that the current social, political, and economic freedom in human societies is a product of the Western liberal democracy ideology, or at least that is the claim of the West (Hassani, 2012).

However, upon deeper reflection on the concept and dimensions of freedom, it becomes clear that before Western political systems recognized the model of social, political, and economic relations based on human freedom, Islam had already acknowledged this right for humans. In the Quranic verses and Islamic traditions, many references to human freedom can be found. For a long time, the dominant view was that freedom was an element of political and social development with a Western model. Consequently, Westerners tried to demonstrate that development would only occur when freedom, based on the Western model, was realized in Islamic and third-world countries.

However, due to the incompatibility of this view with Islamic teachings and the victory of the Islamic Revolution in Iran, which is considered a new model for economic, social, and political development and a substitute for the Western development model, the Western-centered development discourse has lost its credibility. Since freedom is one of the key components of the Islamic model of political and social development, many scholars and intellectuals have examined its theoretical foundations from an Islamic perspective, analyzing it through political, historical, social, interpretive, and analytical approaches (Khalili & Ahmadi Tabatabai, 2016).

In the works of Western scholars, including Greek philosophers like Pythagoras, Aristotle, and Socrates, elements can be found in the definition of freedom. These include the following characteristics:

- a) Humans have the right to choose and decide.
- b) Freedom means the desire for good and virtue.
- c) Freedom means complete submission to the truth.
- d) Freedom means liberation from selfish desires and ignorance.
- e) Freedom means the freedom of the aristocracy.

However, among modern Western thinkers, there are various definitions of freedom, stemming from differences in their views on humanity. For instance, Hobbes views freedom as the absence of obstacles to human activity. John Locke believes that human freedom lies in the absence of any authority other than the law of nature. Engels asserts that freedom is the recognition of the laws of nature and their application for the benefit of human society (Moghaddam, 1965).

Sometimes, freedom is equated with the essence of humanity itself. For example, Jean-Jacques Rousseau, the famous French philosopher, states that all humans are born free and equal, and anyone who renounces freedom renounces their humanity, rights, and even their duties, and nothing can compensate for this loss (Rousseau, 1979).

John Locke argues that freedom from arbitrary absolute power is so essential and so intertwined with the foundation of our existence that if we lose it, we lose our very survival, as the right to live is not ours to forfeit through contracts or consent (Sanaei, 1989).

Anthony Quinn defines freedom as the power or ability to do what one desires without interference from others. Harold Laski, in his book *Freedom in Today's State*, writes

that freedom means the absence of obstacles to the social conditions that are essential for individual happiness in modern civilization (Quinton, 1992).

Isaiah Berlin defines freedom as follows: The positive concept of freedom arises from the individual's desire to be their own master... [However] freedom in this sense is negative freedom, which means freedom from interference, maintaining a boundary that, though valid, can be recognized. In another definition, he states, "I consider freedom to be the absence of obstacles in the way of fulfilling human desires."

3. The Scope of Individual and Group Freedoms

The scope of individual and group freedoms in the Iranian criminal justice system is a topic that analyzes citizens' rights, fundamental freedoms, and legal restrictions within the framework of the legal and criminal system of the Islamic Republic of Iran.

3.1. The Position of Public Freedoms

To address this topic, it is necessary to limit the discussion to evaluating the position of certain political and civil freedoms and, by referring to some different laws, analyze these two legal systems in interaction with each other. This will help clarify how, in the complex and rapid process of globalization, human rights have influenced and brought people closer together across the world in the international collective life.

3.2. Civil and Political Freedoms

The Constitution accords a special place to civil, political, economic, social, and cultural rights in its various principles. In Article 9, freedom is considered one of the central and inalienable elements of the country's political system (Hashemi, 2015).

Imam Khomeini also regarded freedom as an inherent and primary right. He argued that it is not the governments or those in power who grant freedom to the people or disregard it, but that the Creator has endowed humans with freedom, placing autonomy and liberty within their essence. Therefore, freedom is a divine right that governments and those in power are obligated to respect and protect (Khomeini, 2006).

His reasoning for the natural and inherent right to freedom for humankind is grounded in the explicit texts of Islam, namely the Quran and the Hadith. According to

the Quran, humans are "either grateful or ungrateful," and as Imam Ali (PBUH) said, one must "not be other than yourself, for God has made you free." In this context, Imam Khomeini views freedom as a divine creation that is innate and intrinsic to human nature, and as with other natural laws, it is more evident than any other self-evident laws. Therefore, freedom, as a natural and inalienable right, is a fundamental human right and cannot be revoked (Khomeini, 2002).

Despite these emphases, the term "human rights" does not appear anywhere in the Constitution. However, certain fundamental rights and freedoms are mentioned in some principles, and the ruling power and government are tasked with ensuring respect for these rights, irrespective of race, ethnicity, language, religion, or gender. Although these rights are expressed as "the rights of the people" in the Iranian Constitution, they essentially refer to human rights as recognized globally today. In other words, the Constitution refers to civil and political freedoms in general terms in principles such as Articles 19, 20, 3, and 9, but the enjoyment of some of these freedoms is contingent upon the enactment of laws. To better understand these rights, we categorize them into individual and collective rights.

3.3. Freedom in the Realm of Thought and Ideology

Freedom of thought, religion, expression, and the press are among the freedoms related to ideology, which is here specifically referred to as freedom of thought and expression.

3.4. Freedom of Thought and Expression

Thought and ideology are one of the most prominent aspects of humanity, as "through constant change within the individual, it grants him spiritual life and distinguishes him from other creatures" (Hashemi, 2015).

Accordingly, in Islam, a human being is a free and autonomous entity, meaning that no one can force them to accept a particular belief or religion. The Quran affirms this, stating, "There is no compulsion in religion; the right way has become distinct from the wrong way." It is people who freely choose their path. Imam Khomeini also believes that in the Islamic Republic, every individual will have the right to freedom of thought and expression, but we will not allow any individual or group

tied to foreign powers to commit treason. According to his view, merely expressing an opinion is not harmful, but if such expression harms the nation, it must be prevented. However, if the expression does not cause harm and is merely an expression of opinion, there is no objection (Khomeini, 2002).

Thus, it seems that he accepts freedom of thought absolutely. From this discussion, we conclude that thought, ideology, religion, and belief should be free so that individuals can access the religion or ideology that, both theoretically and practically, demonstrates superiority over others under equal conditions. Islam has granted freedom of thought and expression to all humans, while also prohibiting the imposition of beliefs on others. However, an exception to this principle, which is also accepted by other schools of thought, is that no one can use this right as a means to insult or slander others' beliefs or their sacred symbols. With this in mind, freedom of thought and expression is, at least theoretically, agreed upon by all religions, legal schools, and constitutions of most countries. However, what may be a point of contention for some is the change of religion and the expression of such a change. Article 18 of the International Covenant on Civil and Political Rights allows everyone to have the freedom of thought, conscience, and religion, while the same article in the Declaration explicitly discusses the freedom to change one's religion.

It seems that the term "change of religion" in this article refers to the change of faith. Accepting this view brings a significant challenge in Islamic law, as there are verses and traditions that question the acceptance of this issue. In the Quran and Islamic jurisprudence, if someone who has been Muslim for a period of time deliberately and knowingly declares that they have left Islam, they are considered an apostate (murtad). Almost all Islamic scholars, both Shia and Sunni, agree that an apostate deserves the death penalty. However, some scholars, including Ayatollah Montazeri, hold a different view. He asserts that "every individual has the right to express their opinion—correct or incorrect—but they do not have the right to insult or distort others' beliefs and sacred symbols while expressing their thoughts. However, merely reverting or changing one's religion or belief, if not done out of enmity with the truth, does not entail criminal punishment. Therefore, the mere act of thinking, believing, changing belief, expressing it, or

being exposed to other thoughts is a human right and is not subject to criminal charges such as apostasy, corruption, insult, slander, or similar offenses" (Montazeri, 2004).

Additionally, some jurists believe that an examination of the verses related to apostasy in the Quran does not provide a definitive and irrefutable argument to justify the verdict or ruling of the death penalty for apostasy. However, reverting from Islam remains an issue of great significance (Gharavi, 1998).

The Quran refers to the ugliness and severity of apostasy in several verses, warning the perpetrator of severe punishments, but it never specifies a particular worldly punishment. The Constitution, which is aligned with Islamic principles, respects human thought and reflection as an essential right and guarantees this right by prohibiting thought surveillance and stating that no one shall be harassed or punished merely for holding a particular belief. What is problematic is that this principle only refers to having a belief, not to expressing or voicing it, which is why it prohibits thought surveillance. According to this law, if expressing any opinion were free, there would be no need for surveillance, and the legislator would not need to refer to such a prohibition. Therefore, this law recognizes religious and political freedom and forbids any interference or restriction on it. However, freedom of expression is not explicitly accepted in this law.

4. Guarantees of Individual and Group Rights and Freedoms in Criminal Law

Although the Constitution merely declares and recognizes individual rights and freedoms, since the Constitution, as a legal framework, holds enforceable authority, individual and group rights and freedoms are guaranteed, leaving no doubt about the mandatory implementation of the principles and provisions outlined within it.

4.1. *The Existence of the Constitution*

In a general sense, the Constitution refers to all the rules and regulations related to the exercise, transfer, and enforcement of power. Consequently, the principles, rules, and standards governing the political relationships between individuals and the state, as well as the manner of their regulation, and the distribution of power

between rulers and the ruled, are part of constitutional law. The Constitution, as the fundamental law, not only defines and protects individual rights and freedoms, but also delineates the limits of citizens' rights in relation to the actions of governmental power. It establishes the boundaries of governmental power when it comes into contact with the rights and freedoms of individuals and groups. This law, which outlines the cultural, social, political, and economic institutions of societies, also ensures the protection and guarantee of citizens' rights and freedoms (Qazi Shariat Panahi, 2010).

In other words, the Constitution is composed of a set of rules, regulations, and general principles that define the structure of government, the relationships between the high offices of the state, and the connection between those offices and the rights and freedoms of individuals. The Constitution is the primary foundation of a country's political and legal (civil) system, regulating all aspects of government and defining the relationships between the main branches of government. A precise application of the Constitution closes all avenues for tyranny and despotism. In fact, the Constitution guarantees freedom, human dignity, and the rights of individuals.

In constitutional democracies, the written Constitution is always considered a guarantee for the protection of rights and freedoms (both individual and public) against the state, and public opinion recognizes it as a tool for limiting state power to ensure individual and group rights and freedoms. As mentioned earlier, the scope of authority and competence of state institutions is clearly defined by the Constitution, and the government cannot exceed those limits.

4.2. *The Rule of Law*

Guaranteeing individual and group rights and freedoms is unimaginable without a legal system and a rule of law-based government. A government is considered to be based on the rule of law when its legal system is founded on a hierarchy of norms and a clear distribution of powers, and it operates in a lawful manner.

In other words, the principle of the rule of law means that all government officials must always respect laws and regulations in their decisions and actions, whether the decisions and actions concern specific individuals (such as individual decisions and judgments) or the public (such as regulations, decrees, laws, and regulations). The adherence of governmental bodies and public

organizations to the law stems from the ideas of liberty, which mandate that individuals should have protection and guarantees before the law, and that government officials and authorities should not infringe upon the rights and freedoms of individuals (Tabatabai Motameni, 2016).

In administrative law, a regime based on the principle of the rule of law is called a "rule-based" or "law-governed" regime, while the opposite is referred to as a "police state" regime. The result of this principle or the natural products of the rule of law are order and freedom. The rule of law, in essence, is restrictive, controlling, and limiting; yet, it is also a tool for guaranteeing, organizing, facilitating, and empowering individuals. In short, a lawful state represents a normative structure and a symbol of a modern state in which the responsibility for safeguarding individual and group rights is entrusted to legal systems, which naturally restrain the political power's tendencies toward tyranny and arbitrariness. The rule of law establishes a specific link between governance and law, which ultimately benefits individuals in society (Hedavand, 2016).

The rule of law, by creating legal restrictions, affects the relationship between individuals and the government in such a way that individuals benefit from it, ensuring that their rights and freedoms are guaranteed.

4.3. *The Separation of Powers*

From the perspective of rights and freedoms, the form of government and its political structure, as well as the relationships between the branches of government, are of utmost importance. Montesquieu argued that people's participation in governance alone does not ensure the protection of freedoms and basic rights; rather, freedom and rights are only guaranteed when people are protected from the oppression of rulers, and this protection is achieved through the separation of powers. According to Montesquieu, sovereignty in any country is summarized into three powers: legislative, judicial, and executive. He believed these powers must be held by different individuals, and the holder of each power should remain independent and free from the others. Only under these circumstances can individual rights, freedoms, and people's well-being be assured. History shows that when government power is not limited, rulers tend to abuse their power and strip the people of their freedom. For example, if the legislative and

executive powers are concentrated in the hands of one person, a group, or one institution, the ruler or group may create unjust laws and impose them mercilessly. Similarly, if the executive branch is not separate from the judiciary, judges will issue and enforce unjust decisions. It should be noted that Montesquieu did not believe that merely separating the powers was sufficient to protect rights and freedoms; he believed that a balance must exist among the powers so that one does not dominate the others (Tabatabai Motameni, 2016).

Montesquieu's theory greatly influenced the French revolutionaries, who incorporated it as one of the most essential principles of French law, with the foundation of their government built upon it. As stated in Article 16 of the French Declaration of the Rights of Man and Citizen (1789): "In a society where the rights of individuals are not guaranteed and the separation of powers is not established, there is no Constitution."

Thus, it appears that the theory of the separation of powers, whether in an absolute or relative form, serves as a fundamental mechanism to prevent the concentration of political power in the hands of an individual or a group of rulers and to avoid tyranny. In the Islamic Republic of Iran, the Constitution (Article 57) accepts the separation of powers in a relative form. Each branch of government is responsible for a specific aspect of governance and exercises part of the sovereign power. Although the basis and philosophy of the separation of powers in Iran differ from the conventional systems found in other parts of the world, the principle of separation is nonetheless acknowledged.

The legislative power is exercised through the Islamic Consultative Assembly, composed of elected representatives. The executive power (except for matters directly under the leadership) is exercised by the president and ministers, who are directly elected by the people and selected by the Assembly. The judicial power is exercised through the judiciary, which resolves disputes and preserves public rights, ensuring justice and implementing divine laws. Despite the fact that all three branches of government are under the oversight of the Supreme Leader, which seems to indicate a concentration of power, the explicit provisions of the Constitution aiming to eliminate despotism and the monitoring mechanisms established for the leadership indicate that the ultimate goal of the separation of powers is the "protection of citizens' rights." Moreover,

the leadership rarely directly exercises power; rather, all affairs are distributed across the three branches, and the leadership provides guidance and oversight through them. The leadership's role is more of a responsibility than a form of power, aimed at safeguarding public interests and societal welfare (Tabatabai Motameni, 2016).

5. The Impact of the Criminal System on Individual and Group Rights and Freedoms

Criminal law inherently restricts freedoms, as its purpose is to maintain public order and community security. However, these restrictions must be framed within the boundaries of law, legitimacy, and proportionality.

5.1. Public Order

Individualists believe that human nature requires complete freedom of will, where the boundaries of this freedom are defined solely by the law, and its provisions should be interpreted as exceptional rules. However, when a person is considered a member of society, it must be acknowledged that collective life has necessary boundaries that the individual must align with. Each person is bound by a set of obligations they cannot alter through contract. Moreover, many rules considered by individualists as related to private rights are regarded by social schools of thought as falling under the category of public order, with the state intervening in these rules to turn them into regulations concerning public order (Katouzian, 2004).

According to supporters of the individualism school, the rules of public order are fundamentally specific to public law, and their presence in the realm of private law is an exception. Public law here refers to its broad meaning, encompassing all discussions related to criminal and non-criminal law, constitutional, administrative, and tax laws. Hence, individual and group freedoms must be respected, and individuals in society only relinquish their freedoms to the extent necessary to support government objectives. In this view, government and state are not rulers over individuals but rather tools and intermediaries that improve the well-being of individuals and serve them. Therefore, individual and group freedoms are viewed as the rule, with any

violation of these freedoms being exceptional (Jafari Langroudi, 2020).

Since public order protects the interests of society, its domain extends wherever these interests exist, which is public rights. Thus, whenever there is doubt regarding the conflict between private rights and public order, the principle of individual liberty and the exceptional nature of public order resolve this doubt, leading to a judgment of validity. From the perspective of social theorists, the principle of public order is a universal rule applied across all branches of law. The traditional distinction between private and public law is considered erroneous. Proponents of the theory of social primacy argue that an individual cannot continue life outside of society. Humanity is inherently social, and society cannot be considered an addition to individuals as colors are to objects. What exists is human society, which is an independent and separate reality. Rights and duties are meaningful only within society, as they lose significance in isolation from it. The truth is that the second perspective is correct—an individual is part of a community. The purpose of law is to ensure the needs and happiness of individuals, and the theory of individualism belongs to a simpler, more naïve period in human history. The confrontation between the individual and the state, as proposed in the first theory, does not hold in this context (Jafari Langroudi, 2020).

According to Islamic law, it is important to refer to religious rulings when discussing the purpose of law and rights, as these rulings once had enforcement mechanisms and were central to legal discourse. According to Islamic scholars, public rights are considered "God's rights." Therefore, all rights currently under public law are, from an Islamic perspective, considered part of "God's rights." As such, it is said that "God's hand is with the group," meaning divine power resides in the collective, not the individual. This religious viewpoint aligns with the social primacy perspective, as it views society as a manifestation of divine will. While contemporary views reject the complete lack of distinction between public and private law, the majority today believes that public and private law domains can be distinguished, and denying this relationship is both theoretically and practically indefensible. It is impossible to disregard the relationship between individual rights and collective social interests (Abdali, 2001).

In determining public order rules in contrast to individual and group rights and freedoms, each country acts within the framework of its own societal interests. Countries have the freedom to define public order, and this right is recognized by international bodies. The European Court of Justice, in a case, stated that public order is territorially defined and that member states hold exclusive responsibility in defining their public order. The Court also recognized that countries may alter their own interpretation of public order. In some countries, public order may even include unwritten sources such as ethics, customs, and practices, which are often recognized and enforced by judges. As laws pertaining to public order limit or even violate individual and group rights, they are valid within the realm of private law. Therefore, while public order manifests most clearly in public law—especially criminal law—individual and group freedoms find their primary expression in private law. Public order debates are thus predominantly discussed in domestic legal contexts. The limitation of individual freedom is both a societal and political necessity, as it preserves the fundamental interests and structures of any society. It is also a logical necessity because it prevents individuals from disrupting the legal system at their discretion (Falsafi, 2011).

Thus, this principle justifies the implementation of judicial measures aimed at criminalizing and preventing crime in society, even if such measures result in the violation of individual and group freedoms.

5.2. Social Interest

From the perspective of proponents of pragmatism, the basis for violating individual and group freedoms can be found in social interests and benefits. "Pragmatism" is used in contrast to "corruption" and refers to goodness, virtue, and benefit. It encompasses the interests intended by the divine legislator for the elevation of humankind, the most significant of which are referred to in legal literature as the Five Purposes (maqāsid al-sharī'ah): religion, life, intellect, progeny, and property. Al-Ghazali, the famous jurist of the 5th century AH, stated in this context: "Pragmatism is essentially the pursuit of benefit and the prevention of harm; however, this concept is not our intention. The pursuit of benefit and the prevention of harm are the aims of creation, but our (the jurists') intended meaning of pragmatism is the

protection of the divine objectives. These objectives in relation to creation are the preservation of religion, life, intellect, progeny, and wealth. Therefore, what serves to protect these five principles is considered pragmatism, while what harms them is considered corruption" (Nikzad, 2006).

In conclusion, as can be observed, the essence of pragmatism is the philosophical basis for the issuance of religious rulings, which individuals are bound to follow within the framework of divine commands and prohibitions. In other words, from the perspective of Islamic law, not every benefit can be the cause or rationale for a legal ruling (Mohammadi, 2012).

From the viewpoint of the school of individualism, the public good refers to a collection of individual benefits; in other words, the public good is the sum of individuals' private benefits. In violations of individual and group freedoms, it is always essential to limit these violations to what is necessary, interpreting legal principles and rules restrictively, since the principle is liberty and legal intervention to limit freedom is exceptional and contrary to the principle (Bagheri Nejad, 2015).

When the legislator makes decisions regarding the public interest, they must always consider the interests of all those they represent and take into account the welfare of all individuals in determining the most appropriate decision-making method for a particular situation. Thus, attention to social interests in implementing measures for criminalization and crime prevention may lead to violations of individual and group freedoms.

5.3. *The Freedom of Citizens*

One of the most important foundations for the violation of individual and group freedoms as a result of judicial actions, such as criminalization and crime prevention, is the respect for the rights and freedoms of others. Additionally, the life, property, reputation, and dignity of individuals must be protected from infringement. This means that human freedom should not serve as a reason for the violation of these matters by others. Therefore, as long as an individual lives within society and engages in actions, they are influenced by others and influence others in return. Sometimes, the exercise of one person's right or freedom harms the right or freedom of another individual or group. It is at this point that freedoms may be violated to safeguard the rights and freedoms of

others from infringement. All legal scholars and theorists, both Western and Islamic, agree on this issue, and human rights documents also stipulate that one of the limits of freedom is the respect for the rights and freedoms of others. Therefore, while absolute libertarians believe in preserving the dignity and respect of human beings, they must exercise their freedom in such a way that the dignity and respect of other individuals is not violated (Akhavan Kazemi, 2018).

The issue of respecting human rights and individual freedoms in crime prevention is explicitly addressed in various documents related to crime prevention. At the Sixth Congress on Crime Prevention and the Treatment of Offenders, held for the first time in a developing country in 1980 in Caracas, adherence to the guidelines and principles of the United Nations in the fight against crime was recommended. The Eighth Congress of the United Nations on Crime Prevention and the Treatment of Offenders also passed a resolution related to computer crimes. This resolution invited governments to adopt measures to improve sustainable security, prevent crime, protect privacy, and respect human rights and fundamental freedoms. Moreover, under Article 56 of the UN Charter, member states have committed, in cooperation with the United Nations, to take collective or individual actions to achieve the objectives outlined in Article 55. The drafters of the Charter did not limit themselves to using force against disruptions of peace and security, but rather aimed to create a just world where, according to the preamble of the Charter, people can engage in activities for "human security" in all its forms. One area where Article 55 of the Charter has been practically applied is crime prevention and criminal justice. The essence of Article 55 is "progress and development in social order, human rights, and fundamental freedoms for all." These terms are, in fact, foundational concepts that underpin most of the United Nations' activities in the field of criminal justice. Therefore, all aspects of this article have been discussed and employed in the United Nations' 50-year documentation on crime prevention and criminal justice. An individual's freedom in all matters that concern only themselves implicitly entails the right that others must be equally free, so that through mutual agreement, they can regulate matters solely concerning themselves, provided they do not affect the interests of others. According to Mill, this issue does not pose a problem as

long as there is no change in the will of the parties involved. However, since the will may change, there is often an obligation for the parties involved to take on mutual responsibilities, and once these commitments are made, their fulfillment becomes a general rule. Nevertheless, in the laws of different countries, a series of exceptions to this general rule have been considered. In such cases, individuals are not only not responsible for commitments that violate the rights of third parties, but sometimes, the fact that a commitment harms them is sufficient grounds to release the party from the commitment they have undertaken (Mill, 2006).

In certain cases, an individual, while pursuing their legitimate and lawful goals, may unintentionally cause suffering or damage to others or deprive them of a benefit they likely hoped to gain. From Mill's perspective, such conflicts between individual interests often arise from fundamental societal organizations that are inherently flawed. However, as long as these organizations persist, such conflicts are inevitable, and some of these harms are unavoidable under any fundamental structure. Anyone who prevails in a crowded profession, a tough competition, or in any type of contest does so at the cost of the discomfort and deprivation of those who lose in that contest. Therefore, in all civilized parts of the world, people voluntarily accept the principle that in such cases, individuals should be able to pursue their goals without fear of the inevitable results, such as the defeat, loss, and failure of others. In other words, society has no legal or moral obligation to protect those who have been defeated in the contest of abilities and does not consider itself obligated to shield the losers from such suffering, intervening only when the means of success are used in a way that harms public interests—such as through cheating, deceit, or the use of force. Anyone who benefits from the support of society owes this benefit to society. Based on this, each member of society must consider themselves bound by certain limits in their behavior toward others. Therefore, according to Mill, an individual's behavior in society is based on two essential conditions: the first condition is that individuals do not harm each other's interests or, in fact, a set of interests that, by clear legal provisions, are recognized as their fundamental rights. The second condition is that each individual takes on their obligations to society, the extent of which should be fairly determined, and does not shy

away from any work or sacrifice necessary to protect others from harm or trouble (Mill, 2006).

Regarding Mill's view on the boundary between personal behavior and social behavior, it is argued how it is possible for part of a person's behavior as a member of society to be disregarded by others. Isaiah Berlin also mentions that John Stuart Mill's vigorous attempt to separate and define the domains of personal and social life seems, at the stage of experience and testing, to be futile and unsuccessful (Berlin, 2007).

Critics of Mill argue that no human being can be considered entirely separate. It is impossible for a person to engage in behavior that causes serious or permanent harm to themselves without the effects reaching at least those close to them. For instance, if such a person damages their property, they harm all those who directly or indirectly benefit from that property, and also, more or less, reduce the overall wealth of society. Even if someone's faults or actions do not directly harm others, their behavior, by setting an example for others, still poses a danger to society, and they must be compelled to amend their actions because of the potential harm to others who might be corrupted or misled by observing or knowing about their behavior (Chegini, 2015).

Not only is an individual's material life dependent on interactions with others, and their identity and character shaped by forces present in society, but also what they think about themselves and particularly their sense of moral and social identity may only be understood within the specific social network they are part of. Additionally, even assuming that the negative consequences of an individual's behavior could be confined to the individual, is it ethically right for society to leave persons, whose actions clearly demonstrate they are unworthy of personal autonomy, to their own devices? In response to these issues, Mill states that when an individual's behavior results in a clear violation of a commitment to others, it goes beyond personal matters and falls within the scope of moral disapproval. For example, if a person, due to their extravagance or wasteful consumption of alcohol, becomes unable to pay their debts or, having married and taken on the responsibility of starting a family, is then unable to provide for their family or educate their children, their actions are worthy of moral censure, and an appropriate punishment should be imposed. However, any punishment applied in such

cases is due to the breach of the commitment they made to their family or creditors, not due to wastefulness. In general, anyone who fails in their duty to consider the feelings and interests of others, provided that the neglect is not due to a more important duty, is deserving of moral punishment, not for the reason that caused the neglect, but for the failure to fulfill their obligation. However, mistakes that are solely private and may indirectly lead to failure in fulfilling obligations are not sufficient grounds for justifying the condemnation of such individuals. He believes that an individual who, due to behavior that only concerns themselves, fails to fulfill a duty they owe to society because of their job, position, or specific condition, has committed a social crime. Therefore, when an individual or society faces significant harm or the potential risk of such harm, the matter transcends personal freedom and enters the realm of law or moral principles (Chegini, 2015).

Regarding the limitation of rights when they conflict with social, ethical, or others' rights, two restrictive approaches may be proposed: one approach is to initially define the right in a more limited manner. In this approach, it is assumed that the problem of conflicting rights arises from the imprecise definition of boundaries. For example, consider the right to freedom of speech. Does this right include the publication of false information that harms others' reputation? Based on this approach, the right to freedom of speech is a limited right and, by definition, does not encompass such areas. In principle, individuals do not have the right to make false statements that harm the reputation of others, which eliminates the conflict with other rights. In other words, in this approach, the issue of conflicting rights would not arise due to the limited definition of the right. Alternatively, one could view the issue from the perspective of conflict. That is, individuals have the right to freedom of speech, without defining its boundaries, but its exercise will be limited when it conflicts with others' rights. Just as individuals have the right to freedom of speech, others have the right to privacy and the inviolability of their reputation. The conflict between these two rights would then need to be resolved through legal measures, moral values, or political decisions.

5.4. Community Security

Another fundamental basis for the violation of individual and group freedoms in criminalization and crime

prevention is community security. Crime prevention today has become one of the common duties and functions of governments at national and international levels. Many governments have transparently allocated independent budgets for crime prevention because they view the survival of security as reliant on this matter. Ensuring freedom and security is one of the important objectives and requirements of political systems, and each system, government, and state has its own perspective on this issue according to its fundamental principles. There are various viewpoints regarding the relationship between individual freedom and security. Some view these two as contradictory, while others consider them interdependent. Some prioritize individual freedom, others prioritize security, and still others agree on the interactive and reciprocal relationship between them. In the model prioritizing security over individual freedom, known as the security-first model, security and security institutions take precedence, and anything that threatens the security of the community and the system will face restrictions, while factors leading to insecurity are marginalized (Ahmadi & Sham'i, 2016).

In the security-first model, individual freedoms also face security-related measures. On the one hand, it is believed that a human being is a moral agent and can choose freely; thus, praise or condemnation of a person's behavior becomes possible. Human behavior is considered ethical when it arises from good intentions and not from fear caused by threats or power. Laws and rights are situated within the realm of external coercion and compulsion, which stem from government authority. On the other hand, security is an undeniable necessity for governments (Mahmoudi Janki, 2003).

Therefore, governments implement their policies and programs through the use of power and compulsion to maintain the security of the community. This power and compulsion, which sometimes manifests in criminalization and crime prevention measures, may violate individual and group freedoms.

6. Challenges to Individual and Group Freedoms in Iran's Criminal System

Individual and group freedoms are among the most important fundamental rights that are recognized and supported in many legal and political systems worldwide. In Iran, despite legal and religious emphasis

on preserving these rights, there are numerous challenges within the criminal justice system that impact the full realization of these freedoms.

6.1. *Structural Challenges in Iran's Criminal Justice System*

One of the fundamental issues in Iran's legal and criminal system is the existence of ambiguous and interpretable laws. Ambiguity in laws not only causes instability in judicial processes but can also lead to the violation of individual and group freedoms. This issue becomes more critical when the judiciary interprets laws in diverse and sometimes arbitrary ways, directly affecting citizens' rights.

One of the most prominent examples of such laws are criminal charges like "action against national security" and "propaganda against the system." These concepts, despite their broad impact on citizens' lives, lack clear and precise definitions. For example, it is unclear what type of action or speech exactly constitutes "propaganda against the system" or how "action against national security" can be distinguished from normal and critical activities. This ambiguity creates an environment conducive to arbitrary actions or pressure on certain individuals and groups. When laws are unclear, the likelihood of their unjust application increases. People may be deemed criminals solely due to differing viewpoints or legitimate activities. The broad and ambiguous interpretation of laws such as "propaganda against the system" can lead to the suppression of freedom of speech and prevent constructive criticism. Citizens lose trust in the judicial system when they observe arbitrary and unfair treatment (Gharavi, 1998). Ambiguous and interpretable laws in Iran's criminal system pose a serious challenge to justice and the protection of citizens' rights. Eliminating this ambiguity and drafting clear laws could improve the legal situation of the country and increase public trust in the judiciary. Iran's legal system needs fundamental reforms and systematic implementation to ensure the guarantee of individual and collective freedoms.

Independent monitoring bodies, such as the Administrative Justice Court or the Islamic Human Rights Commission, have limited capacity to oversee the operations of the criminal justice system. This limitation weakens the control over decision-making and the enforcement of laws in support of individual and group

freedoms. These independent monitoring bodies, including the Administrative Justice Court and the Islamic Human Rights Commission, play a crucial role in ensuring justice and protecting citizens' rights against unjust decisions. However, their limited capacity to oversee the criminal justice system is a significant challenge to achieving their monitoring objectives. These limitations not only negatively impact the enforcement of laws but also weaken the protection of individual and group freedoms.

Monitoring bodies are tasked with overseeing decisions and the enforcement of laws in the criminal system to ensure that justice and the rule of law are properly adhered to. They should act as a guarantor for protecting citizens' rights against potential violations. For example, the Administrative Justice Court can review unjust executive decisions, and the Islamic Human Rights Commission has a duty to prevent human rights violations in criminal proceedings. Despite the importance of these bodies, structural and operational limitations hinder their full impact. Many monitoring bodies have limited powers to enforce their decisions or intervene in criminal processes. This limitation often results in their oversight being restricted to recommendations and reports. In some cases, the lack of transparency in the criminal system makes it difficult for monitoring bodies to thoroughly examine cases and decisions. Political or social pressures can weaken the independence of monitoring bodies and reduce their effectiveness. Many of these bodies face budget and specialized human resource shortages, which diminishes their ability to fulfill their duties. Weak monitoring can lead to human rights violations during the processes of detention, trial, and enforcement of sentences. The public loses trust in the judiciary and criminal system, leading to social instability. The absence of effective oversight can facilitate unjust and illegal decision-making (Ahmadi & Sham'i, 2016).

Despite their vital role, independent monitoring bodies face numerous challenges in overseeing the criminal system. These limitations not only undermine justice but also lead to reduced public trust and human rights violations. Strengthening these bodies through legal reforms, political support, and the provision of resources can be an effective step toward improving oversight and supporting individual and group freedoms.

6.2. *Executive Challenges in Supporting Freedoms*

6.2.1. *Weaknesses in Guaranteeing the Rights of Defendants*

One of the most evident examples of the violation of individual freedoms is the inappropriate treatment of defendants in legal proceedings. In other words, one of the clear instances of violating individual liberties and human rights principles is the improper handling of defendants during judicial processes. Although national and international laws emphasize the necessity of respecting defendants' rights, significant deficiencies are observed in the implementation of these rights in practice. The protection of defendants' rights is not only ethically and humanely essential but also ensures justice within society and the integrity of the judicial system. Fundamental rights such as the presumption of innocence, the right to access a lawyer, the right to remain silent, and the right to a fair trial must be respected at every stage of legal proceedings. Violating these principles may result in unjust rulings and foster distrust in the judicial system (Bagheri Nejad, 2015).

In some cases, defendants are prosecuted under public pressure or political circumstances without access to proper legal representation or sufficient time to prepare a defense. These conditions contribute to the issuance of unfair judgments. Inhumane treatment, torture, and psychological pressure in detention centers are additional violations of defendants' rights. Such actions not only undermine the defendant's human dignity but may also lead to coerced confessions. In certain judicial systems, defendants are treated as guilty before their crimes are proven, which contradicts the principle of innocence that is emphasized in many national laws and international documents, including the Universal Declaration of Human Rights. The lack of transparency in informing defendants about the accusations against them and providing them with adequate evidence limits their right to defense and creates a sense of injustice. Protecting human dignity and guaranteeing defendants' rights are requirements for advanced and just societies. Proper treatment of defendants throughout legal proceedings demonstrates respect for human rights and plays a key role in strengthening public trust in the judicial system. Judicial bodies must focus on implementing principles of fair and transparent trials to

make significant strides toward justice and the protection of individual freedoms.

6.2.2. *Limitations on Freedom of Expression and Assembly*

Despite the emphasis on the right to assemble in Article 27 of the Constitution, many practical restrictions hinder peaceful gatherings and protests. Moreover, laws related to the press and cyberspace sometimes limit freedom of expression and civil criticism.

Article 27 of the Constitution of the Islamic Republic of Iran emphasizes one of the most fundamental civil rights: the right to form assemblies and hold marches. It states, "The formation of assemblies and marches, without carrying weapons, is free, provided that it does not disrupt the principles of Islam." This legal provision recognizes the right to peaceful protest and provides an essential tool for citizens to participate in social and political affairs and express civil criticism.

However, the implementation of this article faces numerous challenges, including varying interpretations of the conditions of "not carrying weapons" and "not disrupting Islamic principles" and other restrictions introduced by supplementary laws or the actions of executive and oversight bodies.

Despite the legal provision, the organization of peaceful gatherings and protests in Iran encounters significant legal and executive barriers. In many cases, obtaining permission from relevant authorities such as the Ministry of the Interior or the Law Enforcement Force is required to hold protests. This process is often complicated, time-consuming, and subject to the discretion of the respective authorities. The interpretation of the condition "not disrupting Islamic principles" or "national security" is broad and at times subjective. This allows authorities to declare many protests illegal based on these conditions. In cases where protests are held without authorization, participants face judicial and security repercussions, including detention, fines, and even severe sentences (Ghari Seyed Fatemi, 2011).

Besides protests, freedom of expression—another fundamental civil right—faces limitations in various domains such as mass media and cyberspace. While Iran's Press Law recognizes the principle of freedom of expression, it restricts this freedom through various clauses. For example, provisions such as "prohibition of

insulting sacred values," "preserving national security," and "protecting public order" are occasionally used as excuses to limit media criticisms. With the expansion of the use of cyberspace, this medium has become one of the most important platforms for expressing protests and civil criticisms. However, limitations such as social media filtering, internet shutdowns during protests, and judicial prosecution of users have reduced the ability to freely express opinions in this space. Laws such as the Cybercrime Law were enacted to regulate activities in cyberspace but, in some cases, have become tools for suppressing criticism. For instance, charges like "spreading falsehoods" or "propaganda against the regime" can be used to limit users' freedom of expression. The right to peaceful protest and freedom of expression are the cornerstones of a democratic, law-abiding society. Although the Constitution of Iran recognizes these rights, practical challenges and legal restrictions prevent their full realization. Efforts to overcome these barriers and strengthen civil rights are essential steps toward enhancing public trust and social stability.

7. Conclusion

Individual and group freedoms are fundamental pillars of human rights and the foundational principles of democratic societies. These rights allow individuals and groups to pursue their beliefs, actions, and decisions within the framework of the law without unjust interference. In criminal systems, these freedoms are of particular importance, as restricting or denying them can affect human dignity. Iran's criminal system faces significant challenges in maintaining a balance between safeguarding individual and group freedoms and ensuring public order due to its unique legal, cultural, and social characteristics. The Constitution of the Islamic Republic of Iran, as the country's foundational document, outlines various principles regarding individual and group freedoms. Article 9 emphasizes that freedom and independence are inseparable, and no authority can restrict these rights under the pretext of preserving independence or territorial integrity. Furthermore, Article 23 prohibits the investigation of beliefs, and Article 24 upholds the freedom of the press. On the other hand, Article 27 permits the formation of assemblies and marches, subject to not carrying weapons and not being contrary to Islamic principles. These principles

demonstrate Iran's legal system's attention to individual and group freedoms, although limiting interpretations have occasionally been applied.

One of the most critical aspects of individual freedom in the criminal system is the protection of the rights of defendants and convicts. Principles such as the presumption of innocence (Article 37 of the Constitution), the prohibition of torture to obtain confessions (Article 38), and the right to access a lawyer (Article 35) are legal guarantees in this area. The Code of Criminal Procedure also emphasizes the importance of respecting these rights. However, in practice, limitations exist in fully realizing these rights. For instance, in some security or political cases, access to a lawyer is restricted during the early stages of detention, which can impact individual freedoms.

A key challenge is the restrictive interpretations of constitutional and ordinary laws. For instance, the concept of "contradicting Islamic principles" in Article 27 of the Constitution can be used as a tool to limit the freedom of assembly. In many legal systems, including Iran, the concern for national security sometimes leads to the restriction of individual and group freedoms. This contradiction is clearly observed in security and political cases and often results in challenges in ensuring justice. Oversight bodies such as the judiciary and human rights organizations play a vital role in safeguarding freedoms. In Iran, the weakness of judicial independence and the lack of effective oversight over the actions of judicial and security forces hinder the realization of individual and group rights.

In addition to legal factors, the social and cultural structure can also prevent individuals from fully benefiting from their freedoms. Some cultural and religious beliefs, which influence Iran's legal system, can lead to informal but significant limitations on individual and group freedoms. Therefore, individual and group freedoms are crucial for achieving justice in the criminal and social systems. Although Iran's laws provide mechanisms for protecting these rights, challenges such as restrictive interpretations, the tension between security and freedom, and cultural and social limitations hinder their full realization. Legal reforms, strengthening oversight, and public awareness can be effective in addressing these challenges and improving the status of freedoms within the criminal justice system. Based on

the findings of this research, the following suggestions are made:

- Reforming criminal laws: Revising ambiguous and interpretative definitions in laws and clarifying them.
- Enhancing judicial independence: Reducing the influence of political factors and implementing effective oversight on the judiciary.
- Expanding civil rights education: Increasing public awareness about individual and group freedoms.
- Strengthening independent oversight bodies: Establishing and supporting independent and powerful oversight institutions to monitor the performance of the criminal justice system.
- Implementing human rights provisions: Aligning the criminal system with Iran's international human rights commitments.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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