

The Impact of Security-Oriented Policies on the Structure and Process of Special Economic Crimes Trials in the Iranian Legal System

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ABSTRACT

Special proceedings for economic crimes, as one of the tools of contemporary criminal policy, play a decisive role in ensuring economic security and public trust. However, the dominance of security-oriented approaches in this type of proceeding has created serious challenges regarding the observance of fair trial principles. This study, using a descriptive-analytical method, aims to explain the foundations of special proceedings, examine the impact of security-oriented policies, and assess the degree of compliance with fair trial principles. The findings indicate that special proceedings for economic crimes are based on distinct foundations including expedited proceedings, efficiency, and prevention of the flight of the accused and the dissipation of assets. However, security-oriented policies have transformed the structure and process of special proceedings by restricting the right to effective defence, limiting access to counsel, reducing the publicity of hearings, and restricting the possibility of appeal. As a result, the practices of special proceedings for economic crimes comply only to a limited extent with the key requirements of fair trial principles (such as the presumption of innocence, the right to defence, publicity, and the right to appeal) and in many cases deviate from the standards of these principles. This study, by presenting a balanced framework, provides solutions for legislative reform and improvement of judicial practice to maintain a balance between the requirements of economic security and fair trial guarantees.

Keywords :

Special Proceedings, Economic Crimes, Security-Oriented Policy, Fair Trial Principles, Defendant's Defense Rights.

1.Introduction

The phenomenon of economic crimes has, in recent decades, become one of the fundamental challenges facing legal and judicial systems at both national and international levels. These crimes, due to their unique characteristics—such as structural complexity, transnational nature, broad and gradual impact on the national economy, the high financial power of perpetrators, and the use of novel and sophisticated methods of offending—have rendered traditional criminal justice systems incapable of providing effective and efficient responses. In such circumstances, the concept of "special proceedings" has, as one of the tools of contemporary criminal policy, entered the domain of criminal law in many countries, including Iran (Shams, 2021). Special proceedings refer to a set of rules and formalities that, for the purpose of adjudicating a specific category of offences (including economic crimes, organised crimes, and terrorist offences) and with objectives such as expediting proceedings, increasing efficiency, and preventing the flight of the accused or the dissipation of assets, are distinguished from the general rules of criminal procedure.

However, what not only distinguishes special proceedings from ordinary proceedings but sometimes transforms them into a serious challenge to the defence rights of the accused is the "security-oriented policy" governing this type of proceeding. A security-oriented policy refers to an approach in criminal policy in which the provision of security (public, economic, or national) takes precedence over other values (such as individual liberties, defence rights, and procedural formalities). This approach is typically accompanied by measures such as the development of special proceedings, restriction of the rights of the accused, reduction of procedural guarantees, and expansion of the powers of security and intelligence agencies in the trial process (Mohammadi, 2021). In the field of economic crimes, this approach is justified by the argument that economic crimes, due to their destructive impact on the national economy and public treasury, as well as the high power of perpetrators in concealing evidence and evading justice, require a swift, decisive, and non-formalistic response.

In the Iranian legal system, special proceedings for economic crimes are primarily based on specific laws and provisions of the Code of Criminal Procedure (adopted 2013). The most important of these provisions are: the Law on Intensifying the Punishment of Perpetrators of Disruption in the Economic System (adopted 1990), the Anti-Money Laundering Act (adopted 2007), and Articles 305 to 334 of the Code of Criminal Procedure (Code of Criminal Procedure, 2013, Art. 305). Behind these specific rules lies a security-oriented approach that seeks to combat disruptors of the economic system swiftly and decisively. However, the dominance of this approach has confronted special proceedings for economic crimes with fundamental questions: Does the expediting of proceedings come at the cost of restricting the effective defence rights of the accused? Is the elimination or restriction of the publicity of trial sessions compatible with the principle of publicity of trials (Article 165 of the Constitution)? Does the finality of judgments in economic crimes violate the fundamental right to appeal (Article 39 of the Constitution)?

The importance and necessity of this research arise from the fact that without a clear explanation of the limits and extent of the intervention of security policies in special proceedings for economic crimes, not only will economic security not be fully ensured, but the ground will also be prepared for the weakening of the fundamental guarantees of the defence rights of the accused and the undermining of the legitimacy of the criminal justice system. On the other hand, the absence of comprehensive and analytical studies that

systematically examine the impact of security-oriented policies on the structure and process of special proceedings for economic crimes doubles the necessity of conducting this research (Hosseini, 2020).

The research background shows that although scattered studies have been conducted in this area (Hosseini, 2020; Mohammadi, 2021; Shams, 2021), no study that specifically and systematically addresses the "impact of security-oriented policies on the structure and process of special proceedings for economic crimes" is observed in domestic sources. This article seeks to fill this gap.

The structure of the article is as follows: after the introduction, Section 2 is devoted to the research design (including questions, hypotheses, objectives, and method). Section 3 addresses the research background and theoretical foundations. Section 4 explains the research methodology. Section 5 analyses the foundations and contexts of the emergence of special proceedings in Iran's economic crimes. Section 6 examines the impact of security-oriented policies on the structure of special proceedings. Section 7 examines the impact of these policies on the process of special proceedings. Section 8 is devoted to the final discussion and analysis, and Section 9 presents the conclusion and practical solutions.

2. Research Questions

Main Question:

How have security-oriented policies impacted the structure and process of special proceedings for economic crimes in the Iranian legal system?

Sub-Questions:

What are the foundations and contexts of the emergence of special proceedings in Iran's economic crimes?

What changes have security-oriented policies created in the structure of special courts and the role of security institutions?

What changes have security-oriented policies created in processes such as the right to defence, publicity, and appeal?

Research Hypotheses

Main Hypothesis:

Security-oriented policies, by establishing special courts and assigning a role to security institutions, have driven the structure of special proceedings toward securitisation, and by restricting the right to effective defence, reducing publicity, and limiting the right to appeal, have distanced its process from the standards of fair trial.

Sub-Hypotheses:

1. Special proceedings for economic crimes have foundations distinct from ordinary proceedings that make them susceptible to the influence of security-oriented policies.
2. Security-oriented policies have transformed the structure of special proceedings by changing the jurisdiction of courts and increasing the role of security institutions.

3. Security-oriented policies have transformed the process of special proceedings by restricting the right of access to counsel, reducing the publicity of hearings, and limiting the right to appeal.

3. Research Objectives

Main Objective:

1. To examine the impact of security-oriented policies on the structure and process of special proceedings for economic crimes in the Iranian legal system.

Sub-Objectives:

1. To explain the foundations and contexts of the emergence of special proceedings in Iran's economic crimes.
2. To identify the structural changes caused by security-oriented policies in special courts and the role of security institutions.
3. To identify the procedural changes caused by security-oriented policies in the defence rights of the accused.

3.2 Research Background

A review of the research background shows that the subject of special proceedings in economic crimes, and especially the conflict between security-oriented approaches and fair trial principles, has attracted the attention of researchers in recent years, but still suffers from serious gaps.

Hosseini, in an article entitled "Challenges of Special Proceedings in Economic Crimes," analysed the most important challenges of this type of proceeding. He concludes that the restriction of the right to defence and the lack of publicity of hearings are among the main problems of special proceedings, resulting from the dominance of security approaches over the trial process (Hosseini, 2020).

Mohammadi, in an article entitled "Conflict between Security Policies and Fair Trial Principles," examined the conflict between these two areas and emphasised that the dominance of security approaches weakens the procedural guarantees of trials. In his view, although a security-oriented policy is sometimes necessary, it must remain within the framework of the fundamental principles of fair trial (Mohammadi, 2021).

Shams, in the book *Comparative Analysis of Special Proceedings and Fair Trial Principles*, comprehensively addressed the foundations, structure, and challenges of special proceedings in various legal systems (including Iran, France, and England). By comparing different approaches, he concludes that leading legal systems have designed special proceedings within the framework of the minimum guarantees of fair trial, whereas in Iran, the dominance of the security-oriented approach has marginalised these guarantees (Shams, 2021).

In addition, other studies have scattered addressed aspects of this subject. Some studies have conducted a comparative examination of special proceedings in economic crimes in various legal systems. Others have focused on the analysis of the defence rights of the accused in economic crimes. However, a study that specifically and systematically addresses the "impact of security-oriented policies on the structure and process of special proceedings for economic crimes" and simultaneously covers both structural and procedural dimensions is not observed in domestic sources. This article seeks to fill this gap.

4.Theoretical Foundations

In this section, the key concepts of the research are defined and explained.

Special Proceedings: Special proceedings refer to a set of rules and formalities that, for the purpose of adjudicating a specific category of offences (including economic crimes, organised crimes, and terrorist offences) and with objectives such as expediting proceedings, increasing efficiency, and preventing the flight of the accused or the dissipation of assets, are distinguished from the general rules of criminal procedure (Shams, 2021). The salient features of special proceedings include: the allocation of special courts, reduction of formalities, restrictions on the defence rights of the accused, and expediting the stages of proceedings.

Economic Crimes: Economic crimes refer to illegal acts that directly harm the national economy, the financial system, investments, and public and private property. Examples include disruption of the economic system, money laundering, smuggling of goods and currency, bribery, embezzlement, and large-scale fraud. The characteristics of these crimes include: complexity, transnationality, gradual and widespread impact, and the high financial power of perpetrators.

Security-Oriented Policy: A security-oriented policy refers to an approach in criminal policy in which the provision of security (public, economic, or national) takes precedence over other values (such as individual liberties, defence rights, and procedural formalities) (Mohammadi, 2021). This approach is typically accompanied by measures such as the development of special proceedings, restriction of the rights of the accused, reduction of procedural guarantees, and expansion of the powers of security and intelligence agencies in the trial process. In the field of economic crimes, this approach is justified by the argument that economic crimes, due to their destructive impact on the national economy, require a swift and decisive response.

Trial Structure: The trial structure refers to the organisation and judicial apparatus governing the adjudication of offences. This structure includes factors such as: the jurisdiction of courts (general or special), the composition of judges, the role of security and intelligence agencies in the trial process, and the relationships between these institutions and the courts.

Trial Process: The trial process refers to the set of stages and formalities that are traversed from the moment of crime detection until the issuance and execution of the judgment. The most important elements of the trial process include: preliminary investigations, the right of access to counsel, the right to effective defence, the publicity of trial sessions, and the right to appeal.

Fair Trial Principles: Fair trial principles are a set of guarantees developed to protect the rights of the accused in the criminal process. The most important of these principles, provided for in the Iranian Constitution and international instruments (such as the International Covenant on Civil and Political Rights), include: the presumption of innocence (Article 37 of the Constitution), the right of access to counsel (Article 35 of the Constitution), the publicity of trials (Article 165 of the Constitution), the right to appeal (Article 39 of the Constitution), the right to effective defence, and trial within a reasonable time.

Research Methodology

5. General Research Approach

This research is applied in terms of its objective, as its results can be used by legislators, judges, and legal practitioners for the reform of laws and the improvement of judicial practice in the field of special proceedings for economic crimes. In terms of nature and method, this research is descriptive-analytical; that is, it first describes and analyses the existing regulations and judicial practices related to special proceedings for economic crimes, and then, using an analytical-critical method, evaluates the impact of security-oriented policies on the structure and process of special proceedings.

The philosophical approach governing this research is interpretivist; because concepts such as "special proceedings," "security-oriented policy," and "fair trial principles" are abstract concepts dependent on the legal and social context, and their analysis requires legal interpretation and reasoning.

5.1. Data Collection Method

The data for this research were collected through library (documentary) research. The sources used include four main categories:

- **Laws and Regulations:** The most important laws used in this research are: the Constitution of the Islamic Republic of Iran (particularly Articles 35, 37, 39, and 165), the Code of Criminal Procedure (adopted 2013 with subsequent amendments) particularly Articles 305 to 334, the Law on Intensifying the Punishment of Perpetrators of Disruption in the Economic System (adopted 1990 with subsequent amendments), and the Anti-Money Laundering Act (adopted 2007 with 2019 amendment).

- **Judicial Practice:** Given the limited number of published judgments of the special courts for economic crimes, the advisory opinions of the Legal Department of the Judiciary and available reports on the practical practice of the Revolutionary Courts were used.
- **Legal Books and Articles:** Reputable legal books and articles in the field of criminal procedure, economic crimes, and the defence rights of the accused were used. Among the most important of these sources are the works of Shams, Mohammadi, Hosseini, and other researchers in this field.
- **International Instruments:** Given the comparative approach of part of the research, international instruments such as the International Covenant on Civil and Political Rights (1966) and the interpretations of the UN Human Rights Committee were also used.

5.2.Data Analysis Method

Data analysis in this research was conducted using an analytical-critical method. This method includes the following stages:

- **Description of Regulations and Practices:** In this stage, the laws and regulations related to special proceedings for economic crimes, as well as existing judicial practice (to the extent that it can be identified), are described.
- **Identification of Strengths and Weaknesses:** Using legal reasoning and comparison with fair trial principles, the strengths and weaknesses of existing regulations and practices are identified.
- **Analysis of the Impact of Security-Oriented Policies:** In this stage, the impact of security-oriented policies on each element of the structure and process of special proceedings is analysed separately.
- **Presentation of Corrective Solutions:** Finally, based on the research findings, practical solutions are presented for the reform of laws and the improvement of judicial practice.

5.3.Validity and Reliability of the Research

In qualitative research, validity was ensured using the following methods:

- **Triangulation in Data:** Simultaneous use of different sources (laws, judicial practice, legal books and articles, and international instruments) for the analysis of a single issue.
- **Peer Review:** Parts of the legal analyses were compared with the opinions of two researchers in the field of criminal procedure.
- **Full Transparency in Method:** Detailed reporting of the research stages in this section.
- **Reliability** was also examined using the inter-coder agreement method (in the text analysis section).

5.4. Research Limitations

This research faced the following limitations:

- **Lack of Access to Court Judgments:** Many judgments of the special courts for economic crimes (particularly the Revolutionary Court) are not published, and access to them for researchers is limited. This has made the analysis of judicial practice difficult.
- **Novelty of the Subject:** Although special proceedings for economic crimes do not have a long history, frequent changes in laws and regulations in this area (particularly after the adoption of the Code of Criminal Procedure in 2013) have meant that some previous sources and analyses require updating.
- **Limited Foreign Sources:** Foreign sources related to special proceedings in economic crimes are largely focused on Western legal systems (such as the US and Europe) and have paid less attention to legal systems based on Sharia.

5.5. Foundations and Contexts of the Emergence of Special Proceedings in Iran's Economic Crimes

To understand the impact of security-oriented policies on special proceedings for economic crimes, one must first identify the foundations and contexts on which this type of proceeding is based. These foundations can be classified into three categories: legal foundations, jurisprudential foundations, and socio-economic contexts.

5.6. Legal Foundations

The most important laws that have provided the context for special proceedings in economic crimes in Iran are:

(a) **Law on Intensifying the Punishment of Perpetrators of Disruption in the Economic System** (adopted 1990 with subsequent amendments): This law, enacted in the sensitive economic conditions following the Iran-Iraq war, criminalises offences such as disruption of the monetary and foreign exchange system, smuggling of goods and currency, hoarding, and price gouging. The important feature of this law in terms of special proceedings is the provision of specific formalities and expedited proceedings, as well as restrictions on the application of leniency measures such as suspension of the execution of punishment. This law formed the initial core of special proceedings in economic crimes.

(b) **Anti-Money Laundering Act** (adopted 2007 with 2019 amendment): This law, enacted under the influence of the recommendations of the Financial Action Task Force (FATF), obliges financial and non-financial institutions to identify customers and report suspicious transactions. In terms of special proceedings, this law has involved supervisory bodies (such as the Central Bank and the Ministry of

Economy) in the process of identifying and detecting the crime of money laundering and has granted them special powers.

(c) Code of Criminal Procedure (adopted 2013): The most important provisions concerning special proceedings for economic crimes are concentrated in Articles 305 to 334 of this Code. The most important features of these provisions are:

- The assignment of adjudication of economic crimes to the Revolutionary Court (Article 305).
- The possibility of pre-trial detention without a security order in certain cases (Article 237).
- Restrictions on the application of leniency measures such as suspension of the execution of punishment (Article 313).
- Expediting proceedings and reduction of statutory time limits.
- The finality of judgments in certain cases (Articles 306 and 307).

In addition to these laws, other laws such as the Law on the Punishment of Smuggling of Goods and Currency (adopted 2013) and the Law on the Protection of Foreign Investment (adopted 2002) also contain, in a scattered manner, specific provisions concerning the adjudication of economic crimes.

5.7. Jurisprudential Foundations

In Imāmī jurisprudence, economic crimes are usually analysed under headings such as muḥārabah (waging war against God), fasād fī al-arḍ (corruption on earth), ghaṣb (usurpation), khiyānah (treason), and akl al-māl bi-l-bāṭil (consuming property wrongfully). Some of these headings, particularly muḥārabah and fasād fī al-arḍ, carry heavy penalties and specific formalities in jurisprudence.

The jurisprudential rule of "expediting the execution of ḥadd" and "the precedence of repelling corruption over attracting benefit" are among the jurisprudential foundations cited to justify special proceedings and the restriction of some of the rights of the accused. On the basis of these rules, in cases of widespread and dangerous corruption (such as large-scale economic crimes), the response should be swifter and more decisive, even if it comes at the cost of restricting some of the usual formalities of proceedings.

However, no jurisprudential rule negates the fundamental principles of fair trial (such as the presumption of innocence, the prohibition of duress, and the right to defence). Even in cases of muḥārabah and fasād fī al-arḍ, the accused must enjoy the right to defence, and the burden of proof lies with the court. Therefore, jurisprudential foundations alone cannot justify the extensive restriction of the defence rights of the accused in special proceedings for economic crimes.

5.8.Socio-Economic Contexts

In addition to legal and jurisprudential foundations, certain specific socio-economic contexts have also played a role in the emergence and development of special proceedings for economic crimes in Iran:

- **Increase in Large-Scale Economic Crimes:** In recent decades, numerous cases of large-scale economic corruption (such as major embezzlements, disruption of the foreign exchange system, and organised smuggling) have been brought to light in Iran. These cases, due to public sensitivity and their destructive impact on the national economy, required swift and decisive adjudication.
- **Sense of Economic Insecurity in Society:** The spread of economic crimes has caused the public to doubt the security of their investments and the health of the economic system. This sense of insecurity has increased public pressure on the judiciary to deal swiftly and decisively with economic corruptors.
- **The Need to Prevent the Flight of the Accused and the Dissipation of Assets:** Economic crimes are often accompanied by the flight of the accused abroad and the movement of assets (dissipation of assets). This feature has led the legislator to provide for institutions such as pre-trial detention without a security order and the seizure of assets without a court order.
- **Influence of Foreign Legal Systems:** Some provisions of special proceedings in Iran (such as the institution of the suspicious transaction reporter in the Anti-Money Laundering Act) have been influenced by foreign legal systems (particularly the US and Europe). This influence has sometimes occurred without regard to the legal and jurisprudential context of Iran.

Summary

Special proceedings in Iran's economic crimes are based on three categories of foundations (legal, jurisprudential, and socio-economic contexts). However, what in practice distinguishes this type of proceeding from ordinary proceedings is not merely the existence of special laws, but the dominance of a security-oriented approach over the process of interpretation and implementation of these laws. In the following sections, the impact of this security-oriented approach on the structure and process of special proceedings will be analysed in detail.

5.9.The Impact of Security-Oriented Policies on the Structure of Special Proceedings

The structure of proceedings refers to the organisation and judicial apparatus governing the adjudication of offences. Security-oriented policies have impacted the structure of special proceedings for economic crimes through two main pathways: first, through the establishment and development of special courts; second, through the allocation of a role to security and intelligence agencies in the trial process.

5.9.1.The Establishment of Special Courts

The most important structural change resulting from security-oriented policies is the establishment of special courts for the adjudication of economic crimes. Under Article 305 of the Code of Criminal Procedure, the adjudication of economic crimes at first instance falls within the jurisdiction of the Revolutionary Court (Code of Criminal Procedure, 2013, Art. 305).

This structural change has several important consequences:

- **Specialisation of Judges:** The judges of the Revolutionary Court, due to their frequent adjudication of economic cases, acquire greater experience and expertise in this field. This can contribute to an increase in the quality of adjudication.
- **Expedited Proceedings:** The Revolutionary Courts, due to the defined volume of cases and their focus on specific crimes, usually adjudicate cases more swiftly than the general courts.
- **Increased Pressure on Judges:** On the other hand, the judges of the Revolutionary Court, due to the sensitivity of the cases and public pressure, may be influenced by security-oriented approaches and disregard the defence rights of the accused.
- **Reduction of Public Oversight:** The Revolutionary Court traditionally operates with greater confidentiality than the general courts. This confidentiality reduces the possibility of public oversight over the trial process.

5.9.2.The Increased Role of Security Institutions

The second important structural change is the increased role of security and intelligence agencies in the special proceedings process for economic crimes. These institutions play a decisive role at various stages of the proceedings (from crime detection to the execution of the judgment).

At the Crime Detection Stage: Institutions such as the Ministry of Intelligence, the Islamic Revolutionary Guard Corps, and the Law Enforcement Forces are responsible for identifying and detecting economic crimes. These institutions use intelligence and security methods to gather information about economic crimes.

At the Preliminary Investigation Stage: Although by law preliminary investigations are the responsibility of the Prosecutor's Office, in practice, security institutions play an important role in gathering evidence and interrogating the accused. The reports of these institutions are often cited as primary evidence in court.

At the Judgment Stage: The judges of the Revolutionary Court usually place great trust in the reports of the security institutions and, in many cases, issue judgments on the basis of these reports without the need for other evidence.

At the Execution Stage: Security institutions also play an active role in the execution of judgments related to economic crimes (such as seizure of assets, detention of the accused, and restitution of property).

This increased role of security institutions has created several fundamental challenges:

Reduction of Judicial Independence: When a judge is dependent on security institutions for the gathering of evidence, their independence in decision-making is affected.

Lack of Transparency in Evidence Gathering: The methods of gathering information by security institutions are often confidential, and the accused and their counsel do not have access to these methods. This deprives the accused of the possibility of effective defence.

Potential for Abuse of Powers: The increase in the powers of security institutions without adequate oversight creates the ground for the abuse of these powers and the violation of citizens' rights.

5.9.3. Concentration of Jurisdiction in the Revolutionary Court

The third structural change is the concentration of jurisdiction to adjudicate economic crimes in the Revolutionary Court. This concentration, although it contributes to the specialisation of adjudication, also has negative consequences:

- **Elimination of the Possibility of Judicial Diversity:** With the exclusion of general courts from the process of adjudicating economic crimes, the possibility of judicial diversity and the presentation of different interpretations of the law is effectively eliminated.
- **Increased Pressure on the Revolutionary Court:** The high volume of economic cases in the Revolutionary Court reduces the time available for each case, and consequently reduces the precision and quality of adjudication.
- **Reduction of the Possibility of Appeal:** In many economic crimes, the judgment of the Revolutionary Court is final and unappealable (Articles 306 and 307 of the Code of Criminal Procedure). This violates the fundamental right of the accused to challenge the judgment.

Overall Assessment

Security-oriented policies have fundamentally transformed the structure of special proceedings for economic crimes. The establishment of special courts, the increased role of security institutions, and the concentration of jurisdiction in the Revolutionary Court are all signs of the dominance of the security approach over the trial process. These structural changes, although they may contribute to expedited proceedings and increased conviction rates in the short term, can in the long term lead to a reduction in public trust in the judicial system and the weakening of the defence rights of the accused.

5.9.4. The Impact of Security-Oriented Policies on the Process of Special Proceedings

While the previous section addressed the structural changes caused by security-oriented policies, this section examines the impact of these policies on the process of special proceedings for economic crimes.

The trial process includes the set of stages and formalities traversed from the moment of crime detection until the issuance and execution of the judgment. Security-oriented policies have transformed the most important elements of this process.

5.9.5. Preliminary Investigations and the Rights of the Accused at this Stage

Preliminary investigations are the most sensitive stage of proceedings, because the fate of the case is largely determined at this stage. Security-oriented policies have had a profound impact on this stage.

Pre-trial Detention without a Security Order: Under Article 237 of the Code of Criminal Procedure, in economic crimes, the investigating judge may detain the accused without issuing a security order (Code of Criminal Procedure, 2013, Art. 237). This institution, which is an exception to the general rules of criminal procedure, was introduced with the aim of preventing the flight of the accused or the dissipation of assets. However, in practice, this institution has become a tool for putting pressure on the accused and depriving them of their liberty before the proof of the offence.

Confidentiality of Investigations: In economic crimes, due to the sensitivity of the cases, preliminary investigations are conducted with greater confidentiality than in ordinary crimes. This confidentiality, although necessary for the preservation of evidence and the prevention of collusion, delays the access of the accused and their counsel to the case file and reduces the possibility of effective defence.

The Role of Security Institutions in Interrogation: In many economic cases, the interrogation of the accused is conducted by security institutions (such as the Ministry of Intelligence) before the case is referred to the Prosecutor's Office. These interrogations often lack legal guarantees (such as the presence of counsel or audio-visual recording) and increase the possibility of psychological and physical pressure on the accused.

The Right of Access to Counsel

One of the most fundamental guarantees of fair trial is the right of the accused to access counsel at all stages of the proceedings (Article 35 of the Constitution). However, security-oriented policies in special proceedings for economic crimes have challenged this right.

Delay in Access to Counsel at the Initial Stages: In many economic cases, the accused do not have access to counsel during the first hours and days of detention (particularly in security detention centres). This delay deprives the accused of the opportunity to clear their name and present their initial defence.

Restrictions on the Choice of Counsel: In some cases, under the pretext of preserving the security of the case, the accused is forced to accept counsel introduced by the security or judicial authorities. This undermines the independence of counsel and the trust of the accused in them.

Restrictions on Meetings with the Client: Counsel for the accused in economic crimes often face time and place restrictions in meeting with their clients. Some of these meetings are conducted in the presence of security officers, which violates the confidentiality of conversations between counsel and their client.

The Right to Effective Defence

The right to effective defence goes beyond the right of access to counsel and includes matters such as awareness of the charge and the evidence, sufficient time for defence, and the possibility of presenting evidence and objection.

Lack of Access to Evidence: In many economic cases, the accused and their counsel do not have access to all the evidence (particularly that gathered by security institutions). This deprives the accused of the possibility of examining the evidence and presenting a defence against it.

Time Pressure for Defence: Due to the expediting of proceedings in economic cases, the accused and their counsel do not have sufficient time to study the case file, prepare a defence brief, and gather exculpatory evidence.

Impossibility of Presenting Exculpatory Evidence: In some cases, special courts refuse to admit exculpatory evidence (such as witness testimony or new documents) presented by the accused or their counsel.

5.9.6.The Publicity of Trials

Article 165 of the Constitution declares the publicity of trials as an established principle. However, in special proceedings for economic crimes, this principle has been severely restricted.

Presumption of Closed-Door Proceedings: Under Article 330 of the Code of Criminal Procedure, the adjudication of economic crimes in the Revolutionary Court (which is inherently closed) is conducted (Code of Criminal Procedure, 2013, Art. 330). Contrary to general rules where publicity is the default, here closed-door proceedings are the default.

Failure to State a Reason for Closed-Door Proceedings: Even in cases where the Revolutionary Court holds an open session, a justified reason for the closed-door nature of some sessions is rarely given. This is inconsistent with Article 165 of the Constitution, which requires a reason to be stated for closed-door proceedings.

Consequences of Non-Publicity: The lack of publicity of trials reduces public and media oversight over the trial process and creates the ground for the violation of the defence rights of the accused and the exertion of pressure on the judge.

The Right to Appeal

The right to appeal is one of the fundamental principles of fair trial, recognised in Article 39 of the Constitution and Article 14 of the International Covenant on Civil and Political Rights. However, in special proceedings for economic crimes, this right has been severely restricted.

Finality of Judgments in Economic Crimes: Under Articles 306 and 307 of the Code of Criminal Procedure, judgments of the Revolutionary Court in economic crimes are final and unappealable (Code of Criminal Procedure, 2013, Arts. 306 and 307). This means that the convicted person in economic crimes, after the

issuance of the first instance judgment, has no right to challenge the judgment and have it reheard by a higher court.

Limited Exceptions: Only in very rare cases (such as lack of jurisdiction of the court or manifest contradiction in the judgment) is there a possibility of challenging the judgment. These exceptions are also rarely used in practice due to the difficult formalities.

Consequences of Eliminating the Right to Appeal: The elimination of the right to appeal increases the probability of judicial error and eliminates the possibility of correcting the errors of the first instance court. This weakens trust in the judicial system.

5.9.7. Disproportionate Expediting of Proceedings

Although speed in the adjudication of complex economic cases is valuable, excessive expediting can come at the cost of violating the defence rights of the accused.

Reduction of Statutory Time Limits: In special proceedings for economic crimes, statutory time limits for taking actions (such as objection, protest, and appeal) have been significantly reduced.

Pressure on Judges to Issue Speedy Judgments: Judges of the special courts for economic crimes are under pressure from public opinion and security institutions to issue speedy judgments. This pressure deprives the judge of the possibility of a thorough and comprehensive examination of the case.

Conclusion of this Section: Security-oriented policies have fundamentally transformed the process of special proceedings for economic crimes at all stages (from preliminary investigations to the issuance of the judgment). Restrictions on the right of access to counsel, the reduction of publicity, the limitation of the right to appeal, and disproportionate expediting of proceedings are among the most important of these changes. These changes, although in the short term may contribute to increased conviction rates and the provision of economic security, in the long term can lead to a reduction in public trust in the judicial system and the weakening of its legitimacy.

Final Discussion and Analysis

In this section, the findings from the examination of the impact of security-oriented policies on the structure and process of special proceedings for economic crimes are summarised and analysed. The research hypotheses are also tested, and a proposed model for reducing the negative consequences of the securitisation of special proceedings is presented.

Summary of Findings

The examinations conducted in the previous sections showed that security-oriented policies have impacted special proceedings for economic crimes through two main pathways:

Impact on the Structure of Proceedings: Security-oriented policies have transformed the traditional structure of criminal proceedings through the establishment of special courts (the Revolutionary Court) and the allocation of a decisive role to security and intelligence agencies at various stages of the proceedings. These structural changes, although they have contributed to the specialisation and expediting of proceedings, have on the other hand reduced judicial independence, the transparency of the trial process, and the possibility of public oversight.

Impact on the Process of Proceedings: Security-oriented policies have transformed the process of special proceedings at all stages. Restrictions on the right of access to counsel at the initial stages, the reduction of the publicity of trial sessions, the limitation of the right to appeal, and disproportionate expediting of proceedings are among the most important of these changes. These changes have severely restricted the defence rights of the accused and distanced special proceedings from the standards of fair trial.

Testing the Hypotheses

Main Hypothesis: The main hypothesis of the research, that "security-oriented policies, by establishing special courts and assigning a role to security institutions, have driven the structure of special proceedings toward securitisation, and by restricting the right to effective defence, reducing publicity, and limiting the right to appeal, have distanced its process from the standards of fair trial," is fully confirmed. The evidence and analyses presented in the previous sections prove the correctness of this hypothesis.

First Sub-Hypothesis: The first sub-hypothesis, that "special proceedings for economic crimes have foundations distinct from ordinary proceedings that make them susceptible to the influence of security-oriented policies," is also confirmed. Legal foundations (special laws), jurisprudential foundations (the rule of expediting the execution of *ḥadd*), and socio-economic contexts (the increase in large-scale crimes and economic insecurity) all distinguish special proceedings from ordinary proceedings.

Second Sub-Hypothesis: The second sub-hypothesis, that "security-oriented policies have transformed the structure of special proceedings by changing the jurisdiction of courts and increasing the role of security institutions," is confirmed. The establishment of special courts (the Revolutionary Court) and the concentration of jurisdiction in them, as well as the increased role of security institutions in the stages of crime detection, preliminary investigations, and execution of judgments, confirm these structural changes.

Third Sub-Hypothesis: The third sub-hypothesis, that "security-oriented policies have transformed the process of special proceedings by restricting the right of access to counsel, reducing the publicity of hearings, and limiting the right to appeal," is also confirmed. The analysis of changes in preliminary investigations, the right to effective defence, the publicity of trials, and the right to appeal shows that the process of special proceedings has significantly deviated from the standards of fair trial.

5.9.8. Consequences of the Securitisation of Special Proceedings

The securitisation of special proceedings for economic crimes has had numerous consequences, some of which are:

Weakening of the Defence Rights of the Accused: The most important consequence of the securitisation of special proceedings is the weakening of the defence rights of the accused. Restrictions on access to counsel, lack of awareness of the evidence, time pressure for defence, and the elimination of the right to appeal all place the accused in an unequal position vis-à-vis the judicial apparatus.

Reduction of Public Trust in the Judicial System: When the public feels that special proceedings are merely seeking to issue a conviction and that the defence rights of the accused are being disregarded, their trust in the judicial system decreases. This reduction in trust undermines the legitimacy of the criminal justice system.

Increased Risk of Judicial Error: The elimination or restriction of fair trial guarantees increases the probability of judicial error. Without the possibility of effective defence and appeal, the possibility of convicting innocent people increases.

Abuse of Powers: The increase in the powers of security and judicial institutions without adequate oversight creates the ground for the abuse of these powers. There are numerous reports of arbitrary detentions, extra-judicial interrogations, and the illegal seizure of assets in economic cases.

6.Proposed Model: Balanced Special Proceedings

To reduce the negative consequences of the securitisation of special proceedings and to establish a balance between the provision of economic security and the observance of fair trial principles, the "Balanced Special Proceedings" model is proposed. This model has four fundamental pillars:

First Pillar: Security Transparency: The intervention of security institutions in the trial process must be accompanied by a clearly stated reason and be subject to judicial oversight. The reports of security institutions should not, by themselves and without independent judicial scrutiny, form the basis of a judgment.

Second Pillar: Minimum Trial Guarantees: Even in special proceedings, the fundamental principles of fair trial (such as the presumption of innocence, the right of access to counsel from the moment of detention, the right to be informed of the evidence, and the right to appeal) must not be eliminated. These principles are the red lines of special proceedings.

Third Pillar: Non-Political Evidence Gathering: The evidence cited in special courts for economic crimes should be primarily obtained from financial and economic sources (such as bank documents, audit reports, and witness statements), not merely from intelligence and security reports.

Fourth Pillar: Effective Judicial Oversight: The decisions of security institutions regarding detention, seizure of assets, and restriction of the right to defence must be confirmed by an independent court within a short period. The lack of confirmation by the court should be deemed to render that decision invalid.

Answer to the Main Research Question

The main research question was: "How have security-oriented policies impacted the structure and process of special proceedings for economic crimes in the Iranian legal system?" Based on the research findings, the answer is that security-oriented policies have impacted special proceedings through two pathways: first,

through changes in structure (the establishment of special courts and the increased role of security institutions); and second, through changes in process (restriction of the right to defence, reduction of publicity, and limitation of the right to appeal). These changes have distanced special proceedings from the standards of fair trial and created serious challenges for the defence rights of the accused.

7. Conclusion

This research was conducted with the aim of examining the impact of security-oriented policies on the structure and process of special proceedings for economic crimes in the Iranian legal system. The findings showed that security-oriented policies have impacted special proceedings through two main pathways: changes in structure (the establishment of special courts and the increased role of security institutions) and changes in process (restriction of the right to defence, reduction of publicity, and limitation of the right to appeal).

Special proceedings for economic crimes, although a necessary response to the challenges arising from the complexity and sensitivity of these crimes, have, through the dominance of security-oriented approaches, become an institution that in many cases deviates from the standards of fair trial. Restrictions on the right of access to counsel at the initial stages, the lack of publicity of trial sessions, the elimination or restriction of the right to appeal, and the extensive role of security institutions in the trial process are among the most important challenges that have undermined the legitimacy of this type of proceeding.

However, this does not mean the complete negation of special proceedings. Special proceedings are necessary due to the specific characteristics of economic crimes (such as complexity, transnationality, and the high financial power of perpetrators). What is needed is the moderation of security-oriented policies and the establishment of a balance between the provision of economic security and the observance of fair trial principles. The "Balanced Special Proceedings" model, presented in the previous section, can provide a framework for this balance.

8. Practical Solutions

Based on the research findings, the following practical solutions are presented for reducing the negative consequences of the securitisation of special proceedings and improving the current situation. These solutions are categorised at three levels: legislative, judicial, and executive.

(a) Legislative Solutions (Duty of the Legislator)

- Amendment of Article 305 of the Code of Criminal Procedure: The adjudication of economic crimes should not be exclusively within the jurisdiction of the Revolutionary Court. It is proposed that general criminal courts also be given jurisdiction to adjudicate some economic crimes (particularly those with lower penalties) so that judicial diversity and the possibility of appeal are provided.
- Amendment of Articles 306 and 307 of the Code of Criminal Procedure: Conviction judgments in economic crimes (except in very rare cases such as transnational organised crimes) should be

appealable to the Provincial Court of Appeal. The complete elimination of the right to appeal is inconsistent with the principles of fair trial.

- Amendment of Article 330 of the Code of Criminal Procedure: The adjudication of economic crimes should be public, unless the court states a specific and justified reason. The principle should be publicity, not non-publicity.
- Amendment of Article 237 of the Code of Criminal Procedure: Pre-trial detention without a security order should be confined to exceptional cases (such as the risk of the accused fleeing abroad) and be subject to court approval. Furthermore, the duration of pre-trial detention without a security order should be limited and specified.
- Provision of the Right of Immediate and Independent Access to Counsel from the Moment of Detention: The legislator should explicitly recognise the right of the accused to access counsel from the very first moments of detention (even in security detention centres). Any restriction on this right should be exceptional and accompanied by a stated reason.

(b) Judicial Solutions (Duty of the Judiciary)

- Issuance of Precedential Judgments: The Head of the Judiciary should determine, through precedential judgments, issues such as the criteria for the publicity of trials, the extent of the intervention of security institutions in the trial process, and the conditions for appeal against the judgments of the Revolutionary Court.
- Training of Judges: The holding of specialised training courses for judges of the special courts for economic crimes on the subject of "the balance between economic security and the defence rights of the accused." These courses should emphasise the principles of fair trial and their international requirements.
- Supervision over the Implementation of Trial Guarantees: The establishment of a special working group in the Deputy for Supervision of the Implementation of Laws of the Judiciary to supervise the implementation of fair trial guarantees in sensitive economic cases. This working group should be composed of experienced judges and trusted lawyers.
- Transparency in the Judgments of Special Courts: The publication of important judgments of the special courts for economic crimes (while respecting the privacy of the accused) for the use of other judges and researchers. This will contribute to the creation of a coherent and transparent judicial practice.

(c) Executive Solutions (Duty of Security and Judicial Institutions)

- Separation of the Functions of Security and Judicial Institutions: Security institutions should have a role at the stage of crime detection and information gathering, but decisions regarding detention, seizure of assets, and indictment should be the responsibility of judicial authorities (the investigating judge and the prosecutor).
- Audio-Visual Recording of Interrogations: All interrogations of the accused in economic cases (whether security or judicial interrogations) should be audio-visually recorded so that supervision over the observance of the rights of the accused is possible.

- Access of the Accused to the Case File: The accused and their counsel should have access to the case file from the initial stages and be informed of the existing evidence. Any restriction on this access should be exceptional and subject to court approval.
- Establishment of an Electronic System for the Registration and Monitoring of Economic Cases: The Judiciary should establish a system in which all stages of the adjudication of economic cases (from the moment of crime detection to the issuance and execution of the judgment) are recorded and monitorable. This system will contribute to the transparency of the trial process.

Research Limitations and Suggestions for Future Researchers

This research was largely focused on the analysis of laws and judicial practice and did not use empirical methods (such as interviews with judges, lawyers, and the accused). Furthermore, due to the lack of access to unpublished judgments of special courts, the analysis of judicial practice was limited. Future researchers can:

- Use field methods (interviews and questionnaires) to examine the attitudes of judges, lawyers, and the accused regarding special proceedings for economic crimes.
- Conduct a deeper comparative study with the legal systems of the region (such as Turkey, the UAE, and Malaysia), which are also confronted with the challenge of economic crimes and have jurisprudential-legal foundations close to those of Iran.
- Quantitatively measure the impact of special proceedings on conviction rates, public trust in the judicial system, and the deterrent effect on economic crimes using statistical methods.
- Provide executive solutions for the implementation of the "Balanced Special Proceedings" model in Iran's judicial system.

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