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Observing Victim's Interests in Criminalization

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Abstract

In many cases the main aim of criminalization is to protect the interests of the victims. Ignoring some qualifications in criminalization, however, may result in harm to the victims. This article argues that every single case of criminalization should pass through the filter of the victim's interest and expediency. Moreover, in the qualifications of criminalization the victim's interest should be observed. The victim's best interest in some cases requires that the lodging of a complaint and its remission to be the victim's decision and in his/her hand. The qualification of criminalization should also protect the privacy of the victim and his/her confidentiality. The benefits of different kinds of victims, like children and the mentally ill, are not necessarily identical and therefore they may need different types of protection. Refereeing to some kinds of these differences and diversities, the article suggests that the benefits of different classes of victims should be observed in detail and precisely. The article also mentions some defects of the Iranian criminal law system along with some suggestions for improvement of the situation.

Keywords: Criminalization, Qualification of Criminalization, Benefits of the Victim, Crimes Indictable upon a Complaint.