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## Principles of Speed and Accuracy in the Civil Proceedings

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### Abstract

Speed and accuracy in the proceedings, has been considered in domestic literature mostly with the negative approach such as prolongation of proceedings, in the judicial procedure as well as the legal doctrine, and has also been considered in international literature mostly with the positive approach and in terms of concepts such as rapid proceedings, reasonable and conventional proceedings, etc.

The precondition for speed and accuracy in the proceedings is the existence of standard rules and also the existence of the judicial system and experienced and expert human resources and legal staff. The impact of establishment of speed and accuracy in the proceedings is also administration of justice, development of rights, creation of sense of security, fulfilment of citizenship rights and democracy, maximum efficiency of the proceedings and the public confidence in the judiciary.

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### 1. Introduction

Speed and accuracy in the proceedings is the major part of the judicial development of the social ideal which is pursued in the country's judicial structure, and judicial authorities constantly try to remove the obstacles to the realization of this ideal. One of the most important problems that they are faced with, is speed and accuracy in the proceedings and the collection of the two. Speed and accuracy in the proceedings is consideration of quality and quantity during the investigation of the cases in the courts Dehghani (2011) and speed and accuracy in the proceedings

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refers to prevention from unreasonable and unconventional elongation during the investigation of the cases in the judiciary while paying attention to accuracy in the proceedings and adjudication and not merely dispute resolution.

Speed and accuracy have also been taken into account in international rules. The International Covenant on Civil and Political Rights, the European Convention on Human Rights and Principles of Transnational Civil Procedure can be named as examples of international or transnational rules related to the issue of speed and accuracy in the proceedings.

## **2. Statement of problem and its importance**

lack of compliance with speed and accuracy in the proceedings is the source of violation of rights and implementation of purpose and also leads to dissatisfaction due to delays in administration of justice in the society; thus, the need to address this old problem and to treat it must be considered among the important priorities of the judicial authorities so that by means of the views of the scholars of law and their integration with the guidelines of the owners of higher complexity judicial experiences, basic steps can be taken in this regard.

However, through social relations, this phenomenon has become more highlighted and prominent. Lawyers always strive to accelerate the proceedings by providing proper solutions and make the administration of justice possible in the least time possible and increase people's trust in the judiciary. "Acceleration means that immediate steps be taken in the proceedings, as much as possible, without any damages to the individual's fundamental rights, such as the presumption of innocence and the right to defense and legal order". Khazayi(1997)

In this article, it has been attempted to briefly investigate the obstacles to speed and accuracy in the proceedings and the reasons for prolongation of proceedings and to present a solution, by a survey of the generally civil procedural rules, to remove the obstacles to prolongation of proceedings and reach simultaneous speed and accuracy in the proceedings.

## **3. The Position of Speed and Accuracy in the Proceedings**

This position refers to the legislator's attention to and consideration of this issue in the process of legislation of procedural rules. Here, both domestic and international positions of speed and accuracy in the proceedings will be briefly mentioned.

### *3.1. Domestic Position (the Civil Procedure Code in Iran)*

The Civil Procedure Code takes into consideration "the principle of speed" (e.g. the Provisions 117- 314- 104- 133- 139- 295, etc.) and "the principle of accuracy" (e.g. attention to compliance with deadlines for the completion, the need for compliance with the rights of defense of the parties and the principle of correspondence) and looks into the need for formation of "reasonable and conventional proceedings".

### *3.2. International Position*

The Bill of Rights (1948), the International Covenant on Civil and Political Rights (Paragraph 3 of Article 9), the European Convention on Human Rights and Islamic Human Rights Convention (1990 in Cairo) emphasize the "reasonable and conventional" precondition of the proceedings. In the area of sample codes of procedural rights, "Principles of Transnational Civil Procedure" in Paragraphs 1 and 2 of the Principle 7 can be mentioned which considers one of the evaluation criteria of the proceedings as the reasonable and conventional precondition of the proceedings time. The Transnational Civil Procedure insists on this supreme rule that "delays in the administration of justice is violation of justice.Qomami,(2010)

With regard to the perspective of comparative law to the quality of proceedings, Article 1 of Federal Rules of Civil Procedure in the United States of America and Paragraphs 1 and 2 of Rules of Civil Procedure in England can be mentioned which insist on acceleration in proceedings and conventionality of investigation time.

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