An attitude on the rights of citizens and how to secure it in private and the virtual environment

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Abstract

In this article, it was attempt to study police duties in two comprehensive areas that is crime prevention and judgment hall responsibility due to article 4 of police set up organization act in 1369 and in addition to determining dominant principles of their duties, it also study citizen rights in preventive duties and people function as police assistants due to national and international documents. In addition to determination of police intervention in private parts and fundamental rights, it was evaluated the duties in human rights and civil rights points of view. Because, crime prevention provide security and it is one of the most important components of human security therefore it become as civil rights in which its execution ignoring fundamental rights accompany with logical threats like private area, traffic liberty, and security rights. It was assigned that as if crime prevention has direct positive relationship with social security but intervention degree in this setting must be minimum and as far as its possible strategies applied in prevention part to decrease conflicts with these rights. In other hand, prevention by mass participation trend result in attract majority and achieve social acceptability and confidence that play significant role in crime prevention. preserving intelligible law and rights of defendant like guilty free assumption, accusation session and defense rights and also claimant and witness rights in police assistant duty setting are cases that emphasized in national and international documents that considering these rights from police ensure society security, preserve citizen rights. It was also emphasized that police could meet citizen rights with society based trends.

Keywords: society based police, crime prevention, civil rights, fundamental rights, virtual space, true space, private zone, public participation.
Introduction

The status of citizenship rights, whether in internal laws or in international provisions, is profoundly one of the holy and natural human rights which are inseparable part of human life. While one is free of inculpation or even at the time of true or false accusation, citizenship rights are part of citizens’ natural rights which are not due to change even when the conditions and constitutions transform. The ruling group should prepare and sustain natural citizenship rights in proceeding profound laws and rules.

Juridical security, which establishes immunity of citizens’ life, law, liberty, respect, credit, and properties, necessities legislator to arrange in and supervise on appropriate enforcement of laws and rules sustaining citizenship rights.

Police which is recognized ruling group’s representative in enforcing laws and rules and establishing discipline and security in society, as it is supported by organization, weapon, equipment, and facilities, may fall into the most violations from citizenship rights if it is not controlled and supervised by ruling group. Thus, recognizing police, its responsibilities and obligations, and considering contrariness in its confrontation with citizenship rights seem necessary.

Citizenship Rights

Literally, a person is called citizen who is inhabited in and is considered a member of a city. What authenticates title of citizen to a person is his/her citizenship in larger set which is now called a country.

Marshal believes citizens have equal duties and responsibilities. He considers a citizen in right of advantages defined in three legal groups of civil, social, and economic that develops through merit organizations and structures.

In our country also after revolution in Constitutional law, Islamic Penal Law, Legal Procedure Law, First, Second, Third, Fourth, and Fifth Development Programs, other Laws in distinctive issues, and single article act on citizenship rights and liberty, citizenship rights have been emphasized and advanced considerably in regard to international human rights laws and Islamic tradition.

Hypotheses

1. Variety in police duties, development of their obligations, and their connection to individuals’ life had caused legislator not to be able to approve comprehensive laws and rules for policing in regard to citizenship rights in internal laws.

2. There is not a defined charter for policing including several unconsidered aspects about citizenship rights in internal and international documents in a way many of the cases in this regard have been endured ignorant.
3. Police could not guarantee rights in regard to complainant, accused, offended, suspect, and normal citizens due to fact that police does not have a clear charter or comprehensive regulations in sustaining citizenship rights.

4. There is not necessity for physical police presence for sustaining citizenship rights, preventing crimes, and providing security for citizens in society, when it can be helped by individuals’ participation (such as neighborhood police) in establishing discipline and security in which individuals are shadow of police in this case.

The Methodology of the Study

The methodology of this study is descriptive. Related primary and secondary sources were studied in regard to citizenship rights. Libraries and websites especially NAJA site were considered based on classified articles and synoptic lists. It also benefited from Farsi and Latin sources that include articles about policing and citizenship rights. The methodology of this study observes considered and studied issues, internal laws, international documents and theory in details and attempts to conform police duties in Iran to them.

Prevention from Contrariness to Citizenship Rights

Article 17 of International Covenant on Civil and Political Rights prevents any kind of interference in individuals’ private life. Universal Declaration of Human Rights and Islamic Declaration of Human Rights as well approve the fact that citizenship rights must not be trespassed. Privacy is a territory in the life of every individual who expects from others not to trespass or not to have access to its information. House, private places, body, personal information, and personal relationships are some of the main areas in privacy that provide required condition for personal growth and development. This privacy may be trespassed in police precautions.

Precautions Predicted by Governmental and Non-governmental Organizations

One of the main results of bearing multiple organizations in mind is considering the role of individuals in social contributions especially individuals’ organized participation, which manifests itself mainly in the form of non-governmental organizations. In addition to saving costs for government and ruling groups, public participation increases dealings between individuals and police and brings about possibilities for a police to become community-oriented.

Public participation in criminal policy is one of the factors in crime control and prevention, in a way it is established in regard to extensive and active participation of different elements in civil society, especially individuals and non-governmental organizations.

Strategies for Application of Community-oriented Policing

If police trusts that community-oriented policing is effective on crime control and prevention, it should initiate this approach from within itself:

a) Modifications in legal substructures
b) Enlarging the structures of crime control and prevention in policing

d) Establishing appropriate community-oriented moral charter for personnel (having a moral regulations is one of the main characteristics in community-oriented policing”

e) Adjustment of a schedule to attain community-oriented policing in specific timetable

f) Attempts for obviating false conception about police

g) Respects to law by police personnel

h) Applying self-control system

Witnesses’ Citizenship Rights in Criminal Procedure

Witnesses are one of the elements in success of legal investigations since in many cases, detection of truth and passing a fair decree is not possible without assistance by individuals present in and witness to crime scene. So, witnesses are interpreted as eyes and ears of criminal justice.

In investigation about crimes especially organized crimes or terrorism that threat public society, witnesses’ trust and reliance on criminal justice are necessary. Witnesses should be assured and supported in regard to social offences and threats coming from members of criminal group.

Citizenship Rights in Enforcement of Decrees

Enforcement of decrees in civil issues is upon enforcement of legal decrees in courts according to article 23+ of Law on Enforcement of Civil Decrees, and in criminal issues it is upon court issuing the decrees according to article 281 of Criminal Legal Procedure law.

Police strategies are different in enforcing decrees due to penal differences. In following, some penalties are considered that are enforced by police.

First Line: Exile

Article 279 in Legal Procedure of Administrative Court of Justice expresses on criminal issues that “individuals committed to exile are dispatched to location and the circumstances should be communicated to local court and police force”, that the regulation of enforcing this article is approved by council of ministers in 2001/06/14. According to article 1 of regulation, exile decree is enforceable immediately after communication, and according to article 2 of regulation, responsibility of transferring exiled is upon police force.

Second Line: Capital Punishment

According to enforcing regulations for decrees of retaliation, lapidation, hanging, capital punishment, and lash issued in article 293 of Legal Procedure of Administrative Court of Justice on criminal issues, executive officers are to provide security of enforcement location according to line B in article 7 and article 13. According to first note on article 7, in enforcing the public prosecutor’s decree, bystanders and some groups are prevented to be in enforcement location.
According to article 16, examining tools and equipment for enforcing decree is upon executive officers; therefore, equipment should not be in a way to suffer or torture the committed.

**Conclusion and Suggestions**

Police, for achieving its goals in crime control and prevention, has utilized electronic systems and smart supervision cameras. Its policing, for crime control, also extends to patrol and cyber supervision that covers enforcement procedure from its beginning as a reflection in mind to the act of committing crime.

Smart supervision cameras and control systems by police limit individual and social freedom. Rendering crime perpetration difficult follows with limitations inhuman and citizenship rights such as privacy, coming and going, congregations, speech freedom, and free access to information. On the other hand, violations in properties, information, and even reputations have been witnessed in this regard.

Although such policing activities are for security, boundless authority and violations are threat to citizenship rights and individual privacy.

Thus, utilizing cameras in necessary cases is suggested if it does not violate individual privacy and it is used by confidant users that have short-time access to information.

Renovation of police unites appropriate to social developments and in regard to complexity of crimes committed nowadays is part of citizenship rights. Citizenship rights also demand potent, authoritative, and liable police.

Police precautions for crime control and prevention are followed by this concern that violations from individual privacy in society become normal. Therefore, for obviating this contrariness between precautions and citizenship rights, community-oriented policing can be a solution. One of the advantages of this strategy is individuals’ contribution and participation in their own security. Police is highly agreeable among individuals in this strategy.

Another duty of police is in regard to execution of laws and rules. Citizenship rights are considered according to police obligations through established laws and regulations.

On the one hand, police is responsible to sustain discipline and security in society. On the other hand, it has to detect crime, arrest, investigate, inspect properties, and enforce juridical and legal decrees. Such responsibly and obligations in its own hierarchy and consideration of juridical and legal claims are paradoxical that at times represent themselves in citizenship rights.

The effective role of police as executer in criminal procedure is undeniable. In spite of the fact that it has to contribute to legal authorities, it has to provide conditions for fair legal procedure with respect to essential human rights. It means primary investigations should not fall into violation of citizenship rights defined based on internal or international laws.

It is necessary to distinguish police in the position of executer and police as responsible for security and discipline. At present time, police officers do not have job security, so that they are not expected to be proficient in their occupation. It is the reason reviving judiciary police is felt
in judicial system. In France, such separation is considered in a way proficient police and their job security had brought about more police efficiency and satisfaction for individuals and legal authorities.

Police does not follow a clear procedure in encountering a suspect. It does not consider presumption of innocence in arresting a suspect for committing a crime. And this procedure that their efficiency is examined in hierarchy through their daily statistics is false and dangerous. Police patrols even patrols by traffic department are obliged to report their daily statistics in operation. Not reporting daily statistics on operation by officers is followed by reprimand and penalty. This procedure causes officer approach to good with the bad in a way some issue illegal traffic fines or some seize car with no reason for breach of rules and regulations. And this is violation from citizenship rights. Thus, many innocent individuals are arrested just for suspicion and it happens when their crimes are not proved.
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