

According to Electronic causes and resolve the conflict with other evidence of the criminal law

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Abstract: Today, most obviously in criminal matters, electronic Excursion to prove or detecting crime is very important. Environments that currently occur in the crimes and criminals, as well as extensive use of technology - new technologies, capabilities are considerable. So naturally one would need to invoke the court's e Excursion criminal in the contemporary world. Iran too is no stranger to the penal system. According to the Iranian legal system has both legal and moral system, Excursion, Excursion judge can be morally citing electronic Excursion will also be provided. For judges, the system must satisfy the conscience of ethical reasons and because it can be an electronic reason, simply based on the true path, and the judge may attempt to come to a verdict. it is raised. In addition, because the urethra should be clear that if this theory is confirmed by an expert or a judge of the high conflict, how it is. This article presents a brief and compact the material.

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The concept of electronic evidence

Research must be defined before any of its terms. So the two words are defined and electronic Excursion. Together because the "evidence" is, in general terms, which is not only legally harvested there. In a word, it means guidance is the fact. In such a case, because it is actually the bridge between the two. What term refers to the practice of law to prove that the concept of such rights. Of law, because by revealing the truth and reveal something about the claims of the parties and the other party is deny.

It is noteworthy that the distinction between the words "electronic" and "digital" is. According to some, the "e" in a broad definition of technology related to electricity, digits (zero and one), magneto-, bi - wires, light, electromagnetic or similar capabilities, they say -. However, "Digital (figure) to analog (analogue) to anything that is said by - digits (zero and one) is built.

The difference is that the first electronic digital - is more general meaning in addition to electronic digital aspect is the analog of "can be."

Electronic Excursion reasons including both analog data such as voice, video and data with devices - an electrical device that appeared to move them capabilities are, like computers, audio recorders, mobile phones and So video, audio, digital photos, bar and lines can be electronic reason. For reasons such as compact discs, rather Computers and digital electronic promotional reasons such as electronic Excursion it can also be learned.

What about the rights of other Electronic comes Excursion is ultimately an "abstract concept" is a reason. This means that if the written document can be

cited as an example of a piece of paper and Electronic forgery forgery, in what proved to be invoked -.

The collection of figures and numbers that appear in the form of screen displays is Citing the precedent of Electronic evidence

Citing the precedent of Electronic evidence

You first stated that Iran's legal system, Excursion, both legal and ethical (moral persuasion) is accepted. So the whole point of citing electronic Excursion legal legitimacy. Registration and event information because there is no system manipulation than some traditional Excursion such testimony, has more features is

Camera is better than at 1 month after a witness who wants to give his testimony, and the possibility of forgiveness, persuasion and human interaction with video recording, obvious superiority over the considered one Most of them are essentially hidden nature of the offenses committed, the degree of electronic via electronic means is more significant

After studying the importance of inter - national electronic evidence is also apparent.

If a legal system, simply due to persist traditional and electronic evidence matters little whether or not the position is much lower than traditional reasons to have more, in many cases the reasons for the offender and prevent the acquisition of "a penal to be interlunar River.

The other point being, as well as other reasons for an electronic criminal law should be studied from the legal and legitimate. Thus, "if the student is a reason, regulations and legal requirements are not met, because it has no legal value is considered to be.

Excursion invoke different capabilities of e-crime

One of the most important issues related to the difference in the crimes. God is right. For example, approximately, the exact amount of the penalty is the law forecasts pre, often two testimonies and confessions, the absence of which the number of counts, not nearly stationary, the requirement to prove a crime. Now you can reason a perhaps even more striking certain testimony to be added to them or even complete of them can be used as an Excursion?

The first might be replied that Cited as proof of the truth of God into many of the area based on the reasons stated in the law, as opposed to the tried hard. The minimum sentence because the basis of the opinion of jurists and legal texts as $e \neg$ can not be fixed. So Excursion legal reason such testimonies and confessions in front of the electronic crime such as stoning for adultery, which is a great feature should not be. records of the case can also be seen.

In one famous case, a man with his wife secretly filmed footage adultery with another man, he realizes, and he sued. Therefore, the acquisition electronics (video), which was also the last time he suspects his wife is put in canal shooting video cooler his home, he found his wife's infidelity in her absence and be \neg He was in charge of the film to court to complain. In this petition, a cheating wife, and the film has been arrested, convicted by a criminal court is. It is interesting that her husband could not believe \neg consequences are heavy penalties, the court irrespective of their complaints - I think that the type of offense \neg , \neg is not the consent of.

Many believe that the legal system in most countries, including Iran, Islamic jurisprudence, film and tape lawsuit has not proved adequate in the Excursion and have the proven ability to the vote is issued solely with reference to the direction of the film was flawed and it's a violation of voting. Because the law court should be reasonable and documented legal and constitutional principles upon which the vote is issued and the Penal Code puts Excursion movie has been proven guilty of any other offense so if the vote is issued solely by virtue of this film was flawed and it's a violation of voting. The point is that we can and we want to express that we infer \neg judge. If the hearing officer's observation \neg films, the moral persuasion could accordingly proceed to sentencing. So the basis of the judge's ruling, the matter is referred to them for 105 and 199, the sentence should not be interpreted as support.

In contrast, when the judge's e Excursion is not delinquent in cases of conflict between the positive proof of the existence of e-Excellence and distinction with Excursion is proof of that. The same issue is raised in the court case against the film Branch also been admitted by the defendant's cell phone appeared. The judge and lawyers because they did not have any

misdemeanor citation based solely on the defendant confessed to the crime were proven

One of the use cases for offenses such as murder and robbery in the mail. The criminal procedure of instance, in a case he claimed that the alleged offenses were other people with him, and he fled the scene of a motor no sign of them not available to the film his lawyer cited the scene had been murdered by agents. However, due to the lack of quality films, but clearly it did not prove it to the judge that the records were. In some of these cases were due.

The court's 606-page description file is written to the police about Ardakan city With the deployment of experienced officers visited the scene of the murder at about Ardakan And his views on whether the shoes of the victim and the accused at the scene of the murder but the current one is there is another current Check (in the film] of bicycle tires, motorcycle tires of the shoe or the foot of another person or whether the vision has been evident if the scene was filmed, the film will be submitted for consideration. Early in the film that proves the rule motorcycles. This film legally it could be by the emirate's judicial officer to make the offense is taken pursuant to Article 43 of the Code of Criminal Procedure, except in the chastity of proceedings and judges can inspect study or investigation of the witnesses or gathering information and evidence and crime statistics, or any other actions necessary to know the education required for the detection of crime and law enforcers are referred to the actions of circumstantial evidence. Another suspect in a murder case by the officers of the identity of the corpse photos and video is taken to the end of the study indicate round of the act committed judge, of course documented to forensics the suicide it confirms that photos and videos directly to a judge does not refer

Electronic reason against swear

One reason is sworn to fight to prove that the criminal law is better than the civil rights position. In most of the cases related to criminal law swore he can learn from it given the where performance and position that jurists were allowed to swear in the Shiite jurisprudence can hardly be said that this issue has a higher position in the Electronic. The Court therefore properly Tehran on 22/2/1367 at the hearing have stated in sworn application. The amendment to Article 1335 of the Civil Code, applicable in cases where an oath or not another exchange or other reasons, they vow to strengthen weak and, therefore, where Excursion other such document or testimony or examination local research and expertise is concerned about not swear. "Finally, Article 280 of the Civil Procedure explicitly religious works swear never knows "about the religious right does not oath, unless the theft is just the right side fixed swear, but the

robbery with I swear it was not fixed. However, that sort of compares and contrasts the e-mail address because the need for the judge is satisfied conscience. Swear is a legitimate reason to be \neg course having its own terms and in statistical evaluation, it is the judge's charge And without the reassurance and persuasion inner judge, credit will not be among them. New Slate Article 207 of the Islamic Penal Code states that "approximately the swear will not be constant, but retribution losses resulting from the crime, according to the provisions of this Act shall be verified by swear.

Electronic evidence tracking the current Iranian legal system

The evidence already cited examples of that many cases, and even in some cases, as already mentioned Subject to review only for an electronic proof that the dominant causes of crime records and electronic. For example, the punishment of those who in 1386 approved audiovisual activities are illegal, can prevailing charges are subject to online illegal images or videos unauthorized sentence to the judge in the check them. In case No "20/27/1324 M - A" person in charge of illegitimate relationship of film and judge his prosecution was part of a documentary (a) and Note 5 of the law, the offender knew. Iran's penal code, any sounds or images recorded remarkable about the study, there is no secret to people in authority And view these documents from the court of the emirate's judicial evidence, along with other Excursion in the case, and yet could not be \neg cause of their acceptance does not their secret. This is precisely the view of the jurists that such documents and circumstantial evidence suggest be considered legal proof, but it does not comply. The rights of the legislator who called off due to not \neg knows, some authors with different arguments as immoral without warning sound recording, audio duplication probability. Prove the validity of the charges is fundamentally illogical because they know. In certain international conventions, and technologies to gather authentic electronic evidence is emphasized. Article 112 of the Articles of Association regarding the International Criminal Court inter Register of Interrogation of accused in certain cases in different sections, audible or visual recording of the conversation between the investigator and interrogator who is able. The lyrics are: "The main bar or one of the original tapes in the presence and in the presence of his lawyer, questioning of him after signing interrogation the prosecutor and his attorney duly stamped and registered or the.

If you could e a reason, the emirate's judicial, must be stated with reasons why such documents and testimony admitted that diagnosis implies that the only reason for the fight, as Justice of credit Assigned stop the conscience convince the judge and make sure she

has been The current procedure Excursion valid e-particularly those related to movies, digital pictures and Internet system is see theory has become an expert usability review. So often refer to electronic Excursion expert will assess. In such a case, the expert opinion is also considered significant. In other words, we must consider what the position of human rights expert is

Benchmark Electronics expert evidence

First of all the BS and the order of the matters referred to him be \neg stated. The lexical meaning of terms such as expert, informed use of technology that is. According to the legal definition, an expert is a person who, because of the expertise, knowledge, and information technology is a cost-effective \neg sentencing court can actually assist. In the example, be corresponding to a digital image, an expert should be things like Photoshop and ... Be familiar. This is the language of legal judicial Power Administration has stated: "... The authority [BA], competence and expertise in the field of information and knowledge and not having license \neg particular expertise of specialist's focus so much attention to the restoration of law and Article 13 of the Judiciary Act of 1365 official experts in each zone of jurisdiction, the court can. Are the official experts and non-toxic, anyone who knows to do good and proper subject matter expert, who choose. So when you gain expertise represents a technical issue related to the subject of dispute, and not its Judgment, the Court can not itself have emerged, and in particular the scientific reach and have to resort to be expertise. But then it should be clear what condition the court must on expert opinion because the asked about electronically? The answer to the above question is referred to the Supreme Court Judges stated. Ratings No. 3890 dated 31.02.1325 provides that the court Special attention is needed where expert diagnosis, it is subject to applicable technical ideas other than this way Cease to apply technical expertise to identify it or not, depending on the judge .

"In addition, the third branch No. 3135 dated 30.09.1391 of the Supreme Court also ruled that the lyrics "if the technical detection, that be necessary for the court to act, not to be drawn into his tenure experts and expert. However, if the only reason why electronic records is one thing to require proof of competency theory expert, and without it and the judge misses precise consequence statement Collection Cycle theory of expert is a court ruling in stop at Attempted civil Affairs according to the Article 259 judgment not and law of Civil Procedure and in a criminal lawsuit to void may lead to the defendant's innocence, however, is out evidence because of Dad.

Place of electronic evidence from expert opinion

Refer to the experts with regard to the legal provisions and the procedure is clearly present in all encounter's deal with Electronic Excursion necessary for them to refer the matter to the experts there. The Civil Procedure Law refers to the court can the issue referred to the expert.

Therefore, the verb to be the judge's hands because no expert on direct address is also left open. In such a case, it is assumed that the evaluation of e cited the case raised much needed expertise and technology could not judge the conventional science, it based on about a satisfy the conscience issuing Rating.

But the important question is when and getting the theory of expert judges that the sentence is going. However, the court is required to issue its decision based on? Because the issue referred to the expert's expertise in the area based abroad or not to refer \rightarrow Expert tour. However, it must be admitted that if the expert's theory, and uncertainty was evident perhaps be that the judge will investigate it further and bring it to another expert. However, in order to master the theory if there is manipulation or the presiding judge to ensure that the theory is wrong with forms, judge to give effect to it. This material has been legally prescribed. Article 265 of the Civil Procedure Law states the relationship - is: "If the expert researcher and circumstances known to the expert does not match, the Court of it does not" he says. In addition, under the legal theory of management advisory judicial Power If the theory turns out to master the situation and realized the problem is not granted, the court will not follow the expert opinion.

Should do everything in his theory reflects detect

So the important point is that if the electronic verification by an expert and reliability has been proven that it is possible to ignore the judge? In other words, you can not judge \rightarrow or resources to expert judgment?

No electronics expert Excursion attract

However, the judge also ruled that without expert opinion. This may be in terms of jurisprudence within the title of judge's knowledge, he said. This is the case in many former and current legal texts are considered. Famous mostly Shiite scholars, it is the judge's authority. The writings of Sheikh Tosi: judge ruling could all provisions, including financial, of, death and God and law rights, according to our knowledge, to judge. There are several materials of current Penal Law Judge at the sentencing Saeb knows. Clear - most of the material, article 105 of the Penal Code. It is expressed as. Articles 120, 199 and 231 are also similar statements in support of "judge's knowledge" as a matter of evidence, are mentioned Slate penal provisions in the new emphasis on the judge's there. Article 210 that poetry - that "items such as expert

opinion, examination, location, location research, information statements, reports and other enforcers of documentary evidence and the UAE can be a judge. Inferential knowledge that the judge is not convinced, however, cannot be the criterion for judgment. In the six decades of the Supreme Judicial Council in matters of legal and judicial response to the question said. At that time, according to the council Judge for achieving any kind of research that science education certainly does not prohibit. The judge, ruling on the basis that no forms appear.

The result

Benefit because e is the appropriate response to contemporary developments. On the one hand, criminals step with contemporary developments of novel techniques for the benefit of other crimes before the law's current human needs. Go to school because it's innovative and efficient tools and new, in fact, are fast to stay ahead of the convoy, E reasons for the Rights of years - not so much as a reason, circumstantial evidence and the judge's finger is stressed out

Reasons may sometimes be referred to expert theory The situation with regard to the provisions of Community law and the Judge it usually cited and punished according to the But when the evidence with expert opinion may have been approved to judge as circumstantial evidence for the attainment of knowledge, he will be.

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