

Comparative Study of the Principle of Personal Jurisdiction in Iranian and French Criminal Law

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States are competent only to adjudicate crimes committed within their territorial jurisdiction (territorial jurisdiction principle). This principle is not absolute and, in some cases, has exceptions. The components of these exceptions are sometimes based on nationality (active and passive personal jurisdiction principles) and sometimes on the nature of the crime (universal jurisdiction principle). To address the question of the foundations and conditions for applying the principle of personal jurisdiction (active and passive) in Iranian criminal law, this study compares it with France, as an advanced legal system in penal law. The findings of this research indicate that the position of Iranian criminal law on the principle of personal jurisdiction differs from that of French law. Both legal systems agree, however, that it is essential to foresee exceptions and cases of breach of the aforementioned rule to enhance the effectiveness of the judicial system. Furthermore, in both the Iranian and French criminal justice systems, the basis for determining personal jurisdiction is the personality of the offender, such that the criminal procedure law assigns jurisdiction to specific authorities over particular individuals, which only affects the change of local jurisdiction. In both systems, relative jurisdiction is determined based on the competence of each criminal authority, considering both inherent and territorial jurisdiction, and is influenced by the gravity of the crime and the severity of the penalty.

Keywords: active and passive personal jurisdiction, Iranian and French criminal law, international criminal law, nationality of the offender.

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1. Introduction

One of the key issues in both domestic and international law is the territorial scope of criminal laws, and among the principles examined under this topic is the principle of jurisdiction. The importance of the jurisdiction debate lies in its ability to determine the volume of cases brought before the courts of a given country. The principle of personal jurisdiction, an exception to the territoriality principle, can also be

referred to as the principle based on the nationality of the offender (Pourbafrani, 2014; Pourbafrani & Ahmadi, 2015). As the name suggests, this principle pertains to the individual involved in the crime (Khaleghi, 2003, 2014). Since this issue is one of the prominent topics in international criminal law, it is necessary to begin with a definition of jurisdiction in international criminal law: "Jurisdiction" in the lexicon means "competence, suitability, deservingness, and eligibility" (Dehkhoda, 1998). In other words, personal jurisdiction refers to the



expansion of the legislative and judicial authority of a country over its nationals who have committed a crime outside the territorial boundaries of that country (Aghaei Jannat Makan, 2012), while criminal jurisdiction refers to the competence to adjudicate and determine the fate of an act that constitutes a crime. Put simply, criminal jurisdiction can be understood as the legal ability and obligation of a judicial authority to address a criminal dispute (Ashouri, 2010).

The determination of whether an act constitutes a crime, the elements that make it a crime, the justification for the act, conditions of criminal responsibility, and the punishment for the criminal act are key indicators of criminal jurisdiction. Furthermore, in the field of international criminal law, the issue of jurisdiction is related to the sovereignty and authority of states (Pourbafrani & Ahmadi, 2015). For instance, if the courts of a country are not competent to adjudicate crimes committed outside their territorial jurisdiction that affect their national interests, this undermines the national sovereignty of the country.

In international criminal law, the jurisdiction of states over crimes is divided into four types: territorial jurisdiction, personal jurisdiction (active and passive), real jurisdiction, and universal jurisdiction (Pourbafrani, 2014). This paper will focus on the principle of personal jurisdiction, which is one of the most significant mechanisms for the extraterritorial application of criminal laws. The growing importance of personal jurisdiction is partly due to migration and the increasing relevance of nationality and citizenship issues. Personal jurisdiction serves to protect nationals of a country residing outside its territory. If a state does not protect its nationals residing abroad, there is a risk that the host country may violate their rights (Sabzivari, 2020), especially if one of the parties in the dispute is a national of the host country. For example, if an Iranian citizen commits a crime against a national of the host country or a crime is committed by a national of the host country against an Iranian citizen. The increasing importance of this jurisdiction led the Iranian legislature to adopt the principle of personal jurisdiction based on the nationality of the offender in Section 3 of the 1973 General Penal Code, but with specific conditions for its application. After the revolution, this principle was recognized again in Section D of Article 3 of the 1982 Islamic Penal Code and subsequently in Article 7 of the

1990 Islamic Penal Code, with the significant difference that the conditions specified in Section E of Article 3 of the 1973 General Penal Code were omitted, thus allowing the principle of personal jurisdiction based on the nationality of the offender to be applied unconditionally. This led to the application of this type of jurisdiction in numerous criminal cases in Iranian courts. However, neither of the aforementioned laws recognized personal jurisdiction based on the nationality of the crime, despite the fact that the protection of Iranian nationals who suffer crimes abroad is logically of greater importance, which was a significant oversight.

In the 2013 Islamic Penal Code, the legislator attempted to address the two aforementioned issues. In Article 7 of this law, the application of the principle of personal jurisdiction based on the nationality of the offender became conditional on certain criteria. Additionally, in Article 8 of the same law, the principle of personal jurisdiction based on the nationality of the victim was recognized under certain conditions. The conditions outlined in Article 7 of the 2013 Islamic Penal Code for the application of the principle of jurisdiction based on the nationality of the offender largely mirror the conditions specified in Section E of Article 3 of the 1973 General Penal Code. Some of the conditions mentioned in the 2013 Islamic Penal Code regarding personal jurisdiction based on the nationality of the offender include the following: 1) the act committed must be a crime under Iranian law; 2) if the offense committed is a discretionary offense, the defendant must not have been acquitted in the location where the crime took place, or, if convicted, the punishment must not have been fully or partially enforced; and 3) there must be no legal barrier or suspension of prosecution or punishment according to Iranian law. These same conditions, with slight changes in the details, are also applicable to the principle of personal jurisdiction based on the nationality of the victim as stated in Article 8 of the law (Parsa, 2016).

Since the criminal law of France is considered a significant source of law for other countries and, like Iran, France follows a codified legal system, examining the principle of personal jurisdiction in French criminal law is of great importance. Therefore, this paper will explore the reflection of this principle in French law. Article 6-113 of the French Penal Code, enacted in 1992, stipulates: "French criminal law applies to any crime committed by a French national outside the territorial

jurisdiction of France. Additionally, French law applies to misdemeanors committed by French nationals outside the country, provided that the misdemeanor is also considered a crime under the law of the country where it was committed. This law is also applicable if the defendant acquires French nationality after committing the crime." This provision clearly establishes the principle of personal jurisdiction and outlines the specific conditions for its application. The scope of this principle is specifically defined in this legal provision, which states that the offenses must be categorized as either crimes or misdemeanors. Based on the interpretation of the opposite meaning of the law, it can be inferred that the principle cannot be applied to minor offenses, as the law does not explicitly address them. On the other hand, the principle of reciprocity has been established as a necessary condition for the application of personal jurisdiction to misdemeanors. However, reciprocity does not require that the act be identical or that the punishment be the same in both countries; rather, it is sufficient for the act to be considered a crime and punishable under the law of the country where it was committed. Therefore, the existence of legal justifications or causes of exoneration of criminal responsibility may prevent the prosecution of the defendant in France (Hosseininejad, 2012).

The position of Iranian criminal law on the principle of passive personal jurisdiction differs from that of French law. In Iranian criminal law, the principle of passive personal jurisdiction, the rule of reciprocity of criminality, and the rule against double jeopardy only apply in discretionary offenses not explicitly stated in Islamic law. In the French legal system, the principle of reciprocity of criminality applies to misdemeanors, and the rule against double jeopardy applies to both crimes and misdemeanors. Additionally, French law pays attention to significant crimes and conducts trials in absentia under the principle of personal jurisdiction based on the nationality of the victim.

2. Comparative Study of the Principle of Personal Jurisdiction in Iranian and French Law

2.1. Comparative Study of the Active Personal Jurisdiction Principle in Iranian and French Law

Article 6-113 of the French Penal Code, enacted in 1992, stipulates: "French criminal law applies to any crime committed by a French national outside the territorial jurisdiction of France. Additionally, French law applies to misdemeanors committed by French nationals outside the country, provided that the misdemeanor is also a crime under the law of the country where it was committed. This law is also applicable if the defendant acquires French nationality after committing the crime." From the context of this article, it can be inferred that the French legislator, in drafting this article, intended to express the principle of personal jurisdiction and the specific conditions for its application. The scope of this principle is clearly defined in this legal provision, which mandates that the crimes in question must inherently fall under the categories of felonies or misdemeanors. The opposite interpretation of this provision suggests that the principle cannot be applied to petty offenses due to the lack of explicit legal provisions. Moreover, for the application of personal jurisdiction over misdemeanor offenses, the principle of reciprocity of criminality has been deemed an essential and necessary condition. In order to establish reciprocity of criminality, it is not mandatory for the act committed or the punishment to be identical in both countries; it suffices for the act to be considered criminal and punishable in the country where it occurred. Therefore, the existence of legal justifications or causes of exoneration of criminal responsibility would preclude prosecution in France.

Article 9-113 of the French Penal Code states: "In the cases provided for in Articles 6-113 and 7-113, no prosecution can take place against a person who proves that they have been definitively tried for the same act outside of France and, if convicted, has served the punishment or the statute of limitations has been applied." (Acceptance of the double jeopardy rule). Three conditions are outlined in this provision:

1. The nature of the committed crime must be felony or misdemeanor.
2. The application of reciprocity of criminality for misdemeanors.
3. The acceptance of the double jeopardy rule (Article 9-113, French Penal Code).

In Iranian criminal law, the principle of active personal jurisdiction applies the double jeopardy rule only in

discretionary offenses not explicitly mentioned in Islamic law, while French law accepts this rule in felonies and misdemeanors (in cases where imprisonment is involved). Furthermore, in French criminal law, contrary to Iranian law, the principle of personal jurisdiction applies to significant crimes (felonies and misdemeanors) and emphasizes the principle of reciprocity of criminality (for misdemeanors), as well as the causes for the suspension or cessation of prosecution and the expiration of punishment in the country where the crime occurred.

France is one of the countries that has adopted the principle of personal jurisdiction based on the nationality of the victim. Article 1-689 of the French Code of Criminal Procedure addressed the principle of personal jurisdiction based on the nationality of the victim, which has now been replaced by Article 7-113 of the French Penal Code, enacted in 1992. According to Article 7-113, French criminal law applies to all felonies and to all misdemeanors punishable by imprisonment that are committed by a French national or a foreigner outside France, provided that the victim was a French national at the time of the crime (Desportes & Le Gunehec, 1996).

Clearly, if a French national commits a crime against another French national outside of France, the principle of personal jurisdiction applies. However, the French legislator has preferred to apply the principle based on the nationality of the victim, as this principle is governed by stricter regulations compared to the principle of personal jurisdiction. The legislator thus provides more protection for the victim's nationals than for the nationals of the offenders. Regarding the conditions for applying the principle of personal jurisdiction based on the nationality of the victim under French law, in addition to the conditions found in Article 7-113, further conditions are outlined in Articles 8-113 and 9-113, which will be separately discussed below:

Article 7-113 of the French Penal Code provides that for a crime committed outside the country against a French national, the crime must be either a felony or a misdemeanor punishable by imprisonment for French law to apply. Therefore, petty offenses and non-imprisonable misdemeanors committed outside of France against French nationals cannot be prosecuted in French courts.

Moreover, Article 8-113 of the French Penal Code states that for misdemeanors covered in Articles 6-113 and 7-113, prosecution is possible only if the public prosecutor requests it. This request must be made following a complaint by the victim or those with a direct interest, or an official declaration by the authorities of the country where the crime occurred (Desportes & Le Gunehec, 1996).

Article 9-113 of the French Penal Code also adopts the double jeopardy rule in relation to the principle of personal jurisdiction based on the nationality of the victim. According to this article, in cases foreseen in Articles 6-113 and 7-113, if a person proves they have been definitively tried for the same crime abroad and, if convicted, has served the sentence or the statute of limitations has been applied, no further prosecution will take place (*ibid.*, p. 304).

As can be observed, the French legislator has only adopted the double jeopardy rule and, to some extent, the requirement for the significance of the crime in international criminal law, but has not accepted the principle of reciprocity of criminality. French law, however, has accepted the principle of reciprocity of criminality for misdemeanors committed outside the territorial jurisdiction of France. Furthermore, the French legislator had previously accepted the principle of personal jurisdiction based on the nationality of the victim only for felonies in Article 1-689 of the French Code of Criminal Procedure. However, as observed, in Article 7-113 of the new French Penal Code, misdemeanors punishable by imprisonment have been included, indicating that the French legislator has expanded the jurisdictional scope of its criminal law (Ebrahimi, 2011).

France is one of the countries that has adopted the principle of personal jurisdiction based on the nationality of the victim. Article 1-689 of the French Code of Criminal Procedure originally addressed the principle of jurisdiction based on the victim's nationality, but it has now been replaced by Article 7-113 of the French Penal Code, enacted in 1992. According to Article 7-113 of the French Penal Code, French criminal law applies to all felonies and to all misdemeanors punishable by imprisonment that are committed by a French national or a foreigner outside France, provided that the victim was a French national at the time of the crime (Desportes & Le Gunehec, 1996).

It is clear that if a French national commits a crime against another French national outside of France, the principle of personal jurisdiction would also apply. However, the French legislator has preferred to apply the principle based on the nationality of the victim in such cases. This is because the principle based on the nationality of the victim is governed by stricter regulations than the principle of personal jurisdiction. The legislator thus provides more protection for the victims who are nationals of France than for the offenders who are French nationals. Regarding the conditions for the application of the principle of personal jurisdiction based on the nationality of the victim under French law, it should be noted that, in addition to the conditions provided in Article 7-113 of the French Penal Code, further conditions are outlined in Articles 8-113 and 9-113, which will be discussed separately below:

According to Article 7-113 of the French Penal Code, a crime committed against a French national outside the country must be a felony or a misdemeanor punishable by imprisonment in order for prosecution to be possible in French courts. Therefore, misdemeanors that are not punishable by imprisonment, as well as petty offenses committed against French nationals outside of France, cannot be prosecuted in the courts of France.

Furthermore, Article 8-113 of the French Penal Code specifies that, in the cases provided for in Articles 6-113 and 7-113, a misdemeanor may only be prosecuted if the public prosecutor requests it. This request must follow a complaint by the victim or those with a direct interest, or an official declaration from the authorities of the country where the crime occurred (Mir Mohammad Sadeghi, 2014; Mir Mohammad Sadeghi & Izadiyar, 2013).

Article 9-113 of the French Penal Code also adopts the double jeopardy rule with respect to the principle of personal jurisdiction based on the nationality of the victim. According to this article, in the cases foreseen in Articles 6-113 and 7-113 of the French Penal Code, if a person proves they have been definitively tried for the same crime abroad and, if convicted, has served the sentence or the statute of limitations has applied, no further prosecution will be carried out (Desportes & Le Gunehec, 1996).

As can be observed, the French legislator has adopted the double jeopardy rule and, to some extent, the requirement for the significance of the crime in international criminal law, but has not accepted the

principle of reciprocity of criminality. French law, however, has accepted the principle of reciprocity of criminality for misdemeanors committed outside the territorial jurisdiction of France. Furthermore, the French legislator had previously accepted the principle of personal jurisdiction based on the nationality of the victim only for felonies under Article 1-689 of the French Code of Criminal Procedure. However, as observed, in Article 7-113 of the new French Penal Code, misdemeanors punishable by imprisonment have also been added, indicating that the French legislator has expanded the jurisdictional scope of its criminal law (Tahmasbi, 2017).

2.2. *Comparative Study of the Passive Personal Jurisdiction Principle in Iranian and French Law*

a) Definition of the Principle Based on the Nationality of the Victim:

The development of a country's legislative and judicial jurisdiction over crimes committed outside its territory against its nationals.

b) Historical Background:

Prior to the Islamic Penal Code of 2013, Iran did not accept the principle based on the nationality of the victim. However, in some miscellaneous criminal laws, primarily international treaties, this principle was accepted in specific cases: 1) The Civil Aviation Law of 1950, 2) The Tokyo Convention on Crimes and Other Acts Committed on Aircraft, adopted in 1963, 3) The Convention on the Prevention of Crimes Against Protected Persons, including diplomatic agents (adopted on December 14, 1973).

c) Foundations of the Principle of Jurisdiction Based on the Nationality of the Victim:

Protection of nationals – the necessity to prevent impunity for offenders.

Article 8 of the Islamic Penal Code of 2013: If a foreigner commits a crime outside of Iran against an Iranian citizen or against the state of Iran, and the individual is found in Iran or extradited to Iran, the case shall be prosecuted according to the penal laws of the Islamic Republic of Iran, provided that:

a) The defendant has not been tried and acquitted in the place where the crime occurred or, if convicted, the punishment has not been fully or partially carried out.

b) The act committed is a crime punishable under both Iranian law and the law of the place where the crime occurred.

d) The Principle of Jurisdiction Based on the Nationality of the Victim in French Law:

France is one of the countries that has adopted the principle of personal jurisdiction based on the nationality of the victim. Article 1-689 of the French Code of Criminal Procedure initially dealt with this principle, but it was later replaced by Article 7-113 of the French Penal Code. According to Article 7-113 of the French Penal Code, French criminal law applies to all felonies and to all misdemeanors punishable by imprisonment that are committed by a French national or a foreigner outside France, provided that the victim was a French national at the time of the crime.

Regarding the principle of personal jurisdiction based on the nationality of the victim, the principle of reciprocity of criminality and the double jeopardy rule are accepted in Iranian law only for discretionary offenses not explicitly mentioned in Islamic law. In the French legal system, the principle of reciprocity of criminality is accepted for misdemeanors, and the double jeopardy rule applies to both felonies and misdemeanors. Moreover, French law places emphasis on serious crimes and the handling of absentia cases under the principle of personal jurisdiction based on the nationality of the victim.

3. Findings

The discussion of the territorial scope of criminal laws, including the principle of jurisdiction based on the nationality of the offender and the principle of jurisdiction based on the nationality of the victim in the Islamic Penal Code (2013), is significantly more progressive and forward-thinking compared to the Islamic Penal Code (1991). In the latter, the application of the principle of jurisdiction based on the nationality of the offender was accepted without any conditions, and the principle of jurisdiction based on the nationality of the victim was essentially not recognized. However, in the legislation of the Islamic Penal Code (2013), ambiguities and unclear points remain, which are addressed below:

Before the offender's presence in Iran, their trial in absentia is not permissible because the fundamental condition for the establishment of jurisdiction based on

the nationality of the offender and the victim is the presence of the offender in Iran. Moreover, in the opening sentence of Article 7 of the Islamic Penal Code (2013), the phrase "shall be prosecuted and punished" is used, whereas in Article 7 of the Islamic Penal Code (1991), the phrase "shall be punished" was employed in relation to the principle of jurisdiction based on the nationality of the offender. This implies that, according to the legislator, a trial in absentia of the offender before their presence in Iran is not permissible, because for the legislator, the mere presence of the offender in Iran is sufficient for the establishment of Iranian court jurisdiction.

The legislator's intent with the phrase "shall be returned to Iran" in Articles 7 and 8 of the Islamic Penal Code (2013) refers to the legal process of extraditing the offender, specifically the extradition process. Therefore, the return of the offender through illegal means, such as kidnapping, cannot serve as a means for establishing the jurisdiction of Iranian courts. Since the wording of the legislator does not explicitly support such actions, it should not be interpreted in a way that opens the door to unlawful conduct.

The legislator's intent with the phrase "the crime committed" in subsection B of Article 7 of the Islamic Penal Code (2013) refers to the criminal act itself, not the criminal description. It would be unjust for an individual to be tried and punished twice for the same criminal behavior solely due to a difference in the criminal description.

If the offender is tried in a location other than where the crime occurred for crimes subject to discretionary punishment under non-Sharia law or governmental punishment, Iranian courts do not have personal jurisdiction over such a crime. This is because the legislator refers to the trial in the place where the crime occurred as the general rule in subsection B of Article 7 and subsection A of Article 8 of the Islamic Penal Code (2013), and no opposite implication should be drawn from this wording.

If, after substantial proceedings in the country of trial, the case is subject to the principle of *res judicata*, Iranian courts will not have jurisdiction to hear the case. In determining the validity of *res judicata*, attention must be paid to the laws of the country where the trial took place.

In conclusion, based on the weaknesses of Articles 7 and 8 of the Islamic Penal Code (2013), the following recommendations are proposed:

1. Eliminate the subsections A and P of Article 7 of the Islamic Penal Code (2013), as they are redundant and ineffective.
2. Provide for the principle of reciprocal criminality in relation to the principle of jurisdiction based on the nationality of the offender (Article 7 of the Islamic Penal Code).
3. Remove the phrase "committing a crime against the state of Iran" in the opening of Article 8 of the Islamic Penal Code (2013), due to its dangerous implications. The presence of this phrase greatly expands the scope of the principle of jurisdiction based on the nationality of the victim and may even exclude certain crimes from the scope of the principle of real jurisdiction.

The expansion of the jurisdiction of criminal laws, including the principle of personal jurisdiction, does not harm the sovereignty of other countries outside their territorial jurisdiction. This expansion means that states claim the right to prosecute crimes committed by their nationals or against them, or against their vital and essential interests, as long as the offender can be apprehended through legal means. Furthermore, this expansion of jurisdiction is not unlimited, and its application is conditioned on specific criteria such as the seriousness of the crime, the absence of prior prosecution (double jeopardy), and reciprocity for offenders.

In French criminal law, crimes that are inherently categorized as felonies or misdemeanors are subject to the principle of personal jurisdiction, and this principle does not apply to petty offenses. To apply the principle of personal jurisdiction in France, the condition of reciprocity is only considered for misdemeanors, whereas for felonies, no such condition is foreseen.

On the other hand, the findings indicate that in the Iranian criminal system, personal jurisdiction is determined within the framework of the position and status of the offender. Additionally, unlike in the Iranian criminal system, the French criminal system considers personal jurisdiction in cases where a crime committed by a French national outside of France is not categorized as a felony or misdemeanor, or when the crime

committed in the country where it occurred is not considered a crime or punishable under its law.

Furthermore, in the French criminal system, personal jurisdiction is also considered in cases where the victim does not file a complaint, or the public prosecutor does not deem prosecution appropriate.

Additionally, based on the findings, in both the Iranian and French criminal systems, relative jurisdiction is determined by the competency of each judicial authority based on its inherent and territorial jurisdiction, depending on the gravity of the crime and the severity of its punishment. However, in the Iranian criminal system, relative jurisdiction applies within the scope of the Criminal Court, provincial or capital city courts, and Revolutionary Courts for crimes such as blood money, drug trafficking, and crimes committed by officials. In contrast, in the French criminal system, relative jurisdiction is applied based on the status of the offender, general conditions, and the type of crime within the framework of jurisdictional authorities such as misdemeanor courts, juvenile courts, and local police courts.

Furthermore, the findings indicate that in both the Iranian and French criminal systems, the basis for determining personal jurisdiction is the offender's status. The criminal procedure codes in both systems assign the authority to specific judicial bodies to hear certain offenses, and this jurisdiction is exclusively effective in modifying territorial jurisdiction.

4. Conclusion

The results derived from the discussions throughout this research are as follows:

1. Since the rules related to jurisdiction are considered procedural and imperative, and these regulations are directly linked to public order, judicial security, the legal rights and freedoms of the accused, and the interests of the complainant, any agreement between the parties to expand or restrict the jurisdiction of a judicial authority is invalid and ineffective. Therefore, a precise and correct understanding of these rules and their application in the judicial process to uphold public rights is both essential and unavoidable.
2. The concept of jurisdiction in various laws is essentially a division of labor, outlining duties

and powers. Its application in judicial bodies is of particular importance, to the extent that it can be stated that the failure to apply these rules would lead to significant disorder in the judicial system and the legal order prevailing within it.

3. The three types of jurisdiction—legislative, executive, and judicial—are symbols of state sovereignty. No state has the right to waive these jurisdictions. Partial or complete removal of these powers results in undermining state sovereignty, weakening the state's authority, and disrupting public order, as well as leading to injustice in various societal domains.
4. The consequences of failing to adhere to the rules related to jurisdiction, considering their relationship to public order and their imperative nature, include disruption in the judicial order of court proceedings, incorrect judicial decisions, delays in judicial decision-making (prolonged litigation), failure to meet the legitimate expectations of the public (litigants) from the judicial system, loss of public trust, discrediting judicial decisions, invalidity of proceedings and rulings issued by judicial authorities, expansion of crime and injustice in the judiciary, and the spread of unlawful practices such as bribery, undue influence, etc.
5. Personal jurisdiction is exclusive to criminal judicial authorities, and a similar concept does not exist in civil judicial authorities. This jurisdiction is determined based on characteristics inherent in the accused, such as age, professional status, social position, and religious identity. The judge, complainant, or the nature of the crime committed by the accused cannot serve as the basis for this type of jurisdiction. The scope of this jurisdiction is defined by law, and any deviation beyond the law will be considered invalid. In fact, this type of jurisdiction is an exception to the general rules of territorial jurisdiction.
6. The establishment of special judicial bodies, which address crimes committed by specific individuals under the principle of personal jurisdiction, is intended to protect the dignity of these accused individuals, prevent the disclosure of confidential information, maintain public order and security, promote national cohesion, safeguard societal interests, build and reinforce public trust, prevent recidivism, rehabilitate offenders, avoid prolonged litigation, and eliminate any perception of bias by judges toward these particular defendants.
7. The principle of personal jurisdiction does not conflict with the principle of equality and equality of individuals; rather, the application of this principle enhances judicial justice and ensures the protection of individual rights and social interests.
8. In establishing the jurisdiction of military judicial bodies, what matters is whether the offender is a military or law enforcement personnel and whether the crime was committed during or in connection with their service. If the specified conditions are met, the location of the crime, whether in military or civilian locations, will not affect the assumption of military court jurisdiction.
9. The elements of special crimes committed by government employees include the status of the offender as a government employee and the commission of the crime in relation to their administrative position. The combination of these two factors is essential for the commission of this specific crime. The absence of either element results in the exclusion of the crime from the category of special crimes committed by government employees and classifies it under other criminal offenses.
10. The jurisdiction of the Special Court for Clergy is a type of personal jurisdiction based on the unique status of the offender. The offender must be a cleric, and the specific definitions of clerics are outlined in Article 16 of the Special Prosecutor's Office and Clergy Court regulations. The act of the offender is not only subject to specific limitations but also the jurisdiction of this court, according to Article 13 of the same regulations, extends to matters beyond criminal acts (i.e., all matters referred to it by the Supreme Leader).
11. Jurisdiction and the determination of jurisdiction are both rights and duties. It is a right because when a judicial authority deems

- itself competent, it has the right to conduct necessary investigations and make appropriate decisions without requiring any inquiries from other bodies. It is a duty because, once a complaint or lawsuit is referred, the authority must first determine its jurisdiction and is not permitted to refuse or delay this determination.
12. Since adherence to the principle of territorial jurisdiction may not be an appropriate solution in some cases, especially against the crimes of offenders, the principle of personal jurisdiction has been accepted as a supplementary solution to address the shortcomings of territorial jurisdiction. Thus, personal jurisdiction in international criminal law means the expansion of legislative and judicial jurisdiction of a state over its nationals outside its territorial boundaries.
 13. The result of applying the principle of personal jurisdiction in international criminal law is that the accused either voluntarily and personally returns to the territory of their home state or is extradited by a foreign state. In addition to addressing the flaws and disadvantages of the principle of territorial jurisdiction, this principle (the principle of personal jurisdiction) justifies the realization of justice and necessary scientific and practical requirements.
 14. The foundations of the principle of personal jurisdiction are as follows: nationality, defense of the country's honor and credibility, justice, the state's protective duty, the maintenance of public order in the state of the offender, and the need to prevent the escape and impunity of criminals.
 15. For the application of the principle of personal jurisdiction in international criminal law, certain conditions are required. These conditions include: the seriousness of the crime committed by the offender, the criminal nature of the act committed in the country where the crime occurred, the absence of prior prosecution (double jeopardy), the lack of legal grounds for prosecuting or enforcing judgment against the accused, and the return of the accused to the jurisdiction of their home state.
 16. The basis for the establishment of the "non bis in idem" rule in international criminal law, which prohibits double prosecution under the principle of personal jurisdiction, is designed to prevent a criminal from being punished more than once for the same crime. According to this rule, once a criminal has served their punishment for their offense, any further prosecution or punishment for the same act constitutes a clear violation of justice and contradicts the basic principles of criminal law and international norms.
 17. Since the principle of personal jurisdiction is absolutely accepted in Iranian criminal law (Article 7 of the Islamic Penal Code), and this principle does not meet the necessary conditions for application in international criminal law, and the four conditions outlined in paragraph (h) of Article 3 of the previous Penal Code have not been incorporated into the Islamic Penal Code, it has been criticized by legal scholars and criminal law experts.
 18. From the perspective of the compatibility of the principle of personal jurisdiction with Islamic legal principles, it is clear that, generally, the implementation of Hudud (Islamic punishments) and Qisas (retributive justice) cannot be conditioned on anything other than Sharia law, nor can their implementation be waived. Since such crimes are severe, of great importance, and carry irrevocable punishments, international criminal law and customary international law do not impose a requirement of reciprocity for major and important crimes. However, for discretionary crimes, since their prohibition stems from the legislator's perspective, the authority in such cases lies with the ruling government, which has discretion in determining the conditions and manner of implementing punishments. Therefore, accepting the principles and rules governing international criminal law concerning these types of offenses (discretionary and deterrent) does not conflict with Sharia principles.
 19. The expansion of criminal law jurisdiction, including the principle of personal jurisdiction, outside the territory of a state's sovereignty

does not harm the sovereignty of other countries. This expansion means that states claim the right to address crimes committed by their nationals or against them or their vital interests, provided that the criminal can be apprehended through legal means. Furthermore, this expansion of jurisdiction is not unlimited and is conditional upon the fulfillment of certain criteria, such as the severity of the crime, the absence of prior prosecution (double jeopardy), and reciprocal criminality.

20. The principle of jurisdiction based on the nationality of the victim, although it does not contradict international criminal law and Sharia principles, has never been accepted in Iranian criminal law, both before and after the Islamic Revolution. The failure to accept this principle in criminal law by the legislator essentially creates limitations for Iranian courts, even though prosecuting an offender in certain cases, due to the crime committed against an Iranian national, may have vital and essential consequences for Iran.
21. In French criminal law, crimes that are inherently categorized as felonies or misdemeanors fall under the principle of personal jurisdiction, and this principle does not apply to minor offenses. In France, the condition of reciprocal criminality is only considered for misdemeanors, while no such condition is provided for felonies.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

References

- Aghaei Jannat Makan, H. (2012). *General Criminal Law* (Vol. 1). Jangal Publications.
- Ashouri, M. (2010). *Criminal Procedure Law* (16th Edition ed., Vol. 1). Samt Publications.
- Dehkhoda, A. A. (1998). *Dictionary* (Second Edition of the New Series ed., Vol. 7, 8, 10). University of Tehran Publications.
- Desportes, F., & Le Guehec, F. (1996). *Le nouveau droit pénal* (Vol. 1). Economica.
- Ebrahimi, A. (2011). *International Criminal Law* (First Edition ed.). Aeen Ahmad Publications.
- Hosseinejad, H. G. (2012). *International Criminal Law* (4th Edition ed.). Mizan Publications.
- Khaleghi, A. (2003). Forgotten Aspects of the Principle of Personal Jurisdiction in Iranian Law. *University of Tehran: Faculty of Law and Political Science*(60).
- Khaleghi, A. (2014). *Essays on International Criminal Law* (4th Edition ed.). Shahr-e Danesh Publications.
- Mir Mohammad Sadeghi, H. (2014). *International Criminal Law* (5th Edition ed.). Mizan Publications.
- Mir Mohammad Sadeghi, H., & Izadiyar, A. (2013). Jurisdiction Based on the Victim's Nationality with Emphasis on the New Islamic Penal Code. *Criminal Law Teachings Quarterly*(5).
- Parsa, P. (2016). *The Principle of Personal Jurisdiction in Iranian Criminal Law* University of Mazandaran, Faculty of Law and Political Science].
- Pourbafrani, H. (2014). *International Criminal Law* (7th Edition (11th Edition in 2018) ed.). Jangal Publications.
- Pourbafrani, H., & Ahmadi, A. (2015). The Validity of Foreign Criminal Laws and Judgments in International Criminal Law. *International Police Studies Quarterly*, 6(21), 101-115.
- Sabzivari, M. (2020). *A Comparative Study of the Principle of Personal Jurisdiction in Iranian, German, and English Criminal Law*
- Tahmasbi, J. (2017). The Principle of Personal Jurisdiction Based on the Victim's Nationality in Iranian Criminal Law. *Scientific Research Journal*(97).