

# Citizen Arrest in Iranian, British and US Laws

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## **Abstract**

*Citizen participation and a sense of responsibility can help criminal justice activists, including law enforcement officers and officials, discover the crime and arrest the perpetrator. Citizen Arrest Authority, for the first time, in the Criminal Procedure Code of 2013 under Article 45 has become objectified in Note 1. From the historical point of view, the origin of this institution can be traced back to English law, starting from the medieval and until now the regulations on it have been developed and completed. The most important basis for arresting citizen in Iranian law can be regarded as the issue of to promote virtue and prevent vice. In the United States, too, there is a high degree of social participation in criminal justice and, in other words, the rule of participatory criminal policy, as the main basis for citizen arrest. In all three penal regimes, Iran, the United Kingdom and the United States have the same degree of citizen with some differences; first, the crime must be of the type of crime that requires immediate intervention and prompt action. Second, there is a necessity and a reasonable reason for citizen involvement, for example, the lack of a judicial officer can justify the necessity. Third, the offense was committed or is being committed; therefore, it is not possible for citizens to intervene before committing a crime. Of course, there are differences in the scope of citizen intervention in these three legal systems, including: In Iran, the most serious crimes, in the United States the most obvious crimes and crimes, in the United Kingdom, are punishable by two-fold crime, ranging from citizen intervention to crime detection and arrest.*

**Keywords:** *Citizen Arrest, visible crime, Participatory penal policy, the principle of necessity*

## **I. Introduction**

The Criminal Procedure Code of the rest of the world, in the realm of visible crimes, has given special powers to the registrars of justice. Arrest the accused or suspect as one of the most important duties and powers of the judiciary is particularly evident in the case of crimes. Arrest is a title that stands in opposition to freedom and according to the principle of innocence, there must be some reason for denying one's freedom so that one can be arrested. What is stated in the criminal offenses of the Criminal Procedure Code of 2013 not only expresses the powers of the bailiffs. Rather, it provides powers for citizens to arrest the accused.

Citizen Arrest, in medieval England, was an important part of the law enforcement community. The prosecution began when a citizen referred a defendant to a peace judge. This can be a form of crime that has led the perpetrator to commit another crime (Radzinowics, 1956, 76). Given that the American legal system is also

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derived from the common law system, it seems that we can say that in this legal system as well. Of course, given that the American legal system is not very recent, it is not possible to read much of the historical record in the American legal system.

Citizen Arrest is arresting a person by a citizen or person other than the judicial staff without a warrant. (Carmen, 2013, 182) normal person, in arrest without warrant, is someone who suspected of committing a crime. Simply put, arresting a citizen is the deprivation of liberty by normal citizens (Colin, 2004, 48).

There are various grounds for arresting citizen such as legitimate defense, with the exception that legitimate defense is about crimes that have happened and we cannot extend legitimate defense to crimes that have already happened, on the other hand, legitimate defense is to prevent material or moral damage However, the arrest of a citizen is permitted to prevent the accused from escaping and destroying evidence (Nowruzzi & Others, 2019, 55)

There is a danger in the factor that states: Everyone can have another that is not in place (Mira, 2010, 136). It would seem that the arrest of a citizen should be defined as: "It is common practice for ordinary citizens to arrest suspects and defendants in visible crimes and to escape or eliminate the effects of crime and to further undermine their rights and to disrupt social order."

The main question in this study is what are the differences and similarities between the principles and conditions of citizen arrest in Iranian, British and American law. In other words, should ask: In these three legal systems, what are the legislators' view and the judicial procedure regarding the issue of arrest by citizens?

## **II. Iran Citizen arrest**

One of the emerging issues seen in the 2013 Code of Criminal Procedure is the issue of arresting a legally adopted citizen and it is clear that the legislature has passed it with fear and it has not been able to expand much. In 2013, the Iranian legislature established a citizen arresting institution that referred to the participation and assistance of citizens in arresting and preserving the traces of crime in visible harassment.

### **The Basics of Arrests Citizen in Iranian Law**

#### **Public participation in criminal law**

The participation of the public and non-governmental organizations in criminal matters in general is an issue that appears in various criminal procedure codes and the Islamic Penal Code in 2013 and accordingly, it should be said: We can consider such issues as grounds for arresting citizen in Iranian criminal law.

Discussion of "public organizations" and their involvement in the criminal process is one of the aspects of "participatory criminal policy". Which play an important role in the realization of citizen rights and the prevention of secondary victimization, in addition to the supportive aspect of the victimization, in particular the victims (Chekni and Hassani, 1977, 341).

It seems that the basis of social participation can be considered as one of the most important ways of expressing and justifying the debate on citizen arrest. In fact, participation in social affairs is a factor that can justify any citizen participation in criminal proceedings. This kind of interference by the people in criminal matters is not completely absolute and it can certainly be challenging, but it can be useful for preliminary justification.

#### **Promote virtue and prevent vice**

Citizen Arrest as an entity that is subject to citizens' interference with the performance of other members of society, it must necessarily have jurisprudential principles in the Iranian criminal justice system because the most important source of criminal law in Iran is Islamic jurisprudence. One of the most important jurisprudential principles regarding the involvement of citizens in preventing or preventing the occurrence of crimes that may extend to the post-crime stage is the discussion of promote virtue and prevent vice. It is well known in the criminal policy of Islam and Iran.

Islam's criminal policy approach is primarily general and specific preventive towards crime and even in offenses where the public aspect prevails (God's right), it does not insist on punishing the offender and he recommends solutions such as repentance between himself and God and compensation to ultimately help the offender recover and return to society but if a person's delinquency is substantiated by law, he will not delay in punishing the offender, which, of course, also matters the type of crime committed and its effects (Gholami and Rahimi, 2009, 170).

What is known as Promote virtue and prevent vice, or public oversight, is public participation, that people should be careful about each other's actions and try to prevent crime from happening. In order to improve the mental state, these are the most important areas of crime prevention, prevention, social control and crime prevention. The most important deterrent is the crime of social control and the sense of responsibility that each member of the Islamic community has toward others. The role of public opinion in Islamic criminal policy is very prominent and that is also the main purpose of the government; it can foresee this institution in the organization of Islamic society. Anyway it should be said: The role of the Promote virtue and prevent vice in Islamic society and Islamic criminal policy moderates the state response and reinforces civil society.

In accordance with Article VIII of the constitution, Laws for the Protection of Promote virtue and prevent vice Consists of 24 articles and 19 notes were approved by Parliament, The law does not appear to have explicitly granted the authority to arrest a citizen in the form of a promote virtue and prevent vice. Articles 4 and 5 of the above-mentioned law refer to the conditions for doing what is promote virtue and prevent vice and as a result, it has indirectly created restrictions and hierarchies on the issue of interfering with citizen arrest.

#### **Terms of citizen's arrest**

According to Note 1 of Article 45 of the Criminal Procedure Code of 2013: "If the offenses set forth in paragraphs (a), (b), (c) and (d) of Article 302 of this Act become apparent, In the absence of a judicial officer, "All citizens can take the necessary measures to prevent the perpetrator from escaping and to preserve the crime scene." This constitution provides citizens with some discretion that must necessarily be accompanied by conditions that, without their existence, say: The defendant's rights have been violated. The measures required in this note do not explicitly refer to the arrest, but appear to be.

#### **Crime Evident**

According to note 1 of Article 45 of the Criminal Procedure Code of 2013, the crime involving the possibility of citizen involvement in the arrest of the accused must be one of the four cases dealt with in Article 302.

It should be noted that in this type of crime citizens can also intervene in cases where the crime is first of all evident and there are no judicial registrars. There are different definitions for evident crime; However, Article 45 of the Criminal Procedure Code only provides the conditions on the basis of which it has been possible to make the crime visible.

The reason that such crimes are so limited to citizens to arrest may be because it is only in such crimes that serious harm is done to society and this is the reason why the arrest of citizen has been recognized as an exceptional case.

Respect for individual rights and freedoms require that citizens have the power to arrest citizens in the face of significant crimes. (Nowruz & Others, 2019, 57)

The legislator was in the process of testing this issue in criminal proceedings and it has tried to introduce citizen arrests to the public, so that if possible it could later use it extensively in other laws as well and in the first stage, it only commits the obvious crimes because of the characteristics that some jurists have outlined.

Given that Iranian law has provided for a certain degree of punishment for citizens, it is necessary for citizens to be able to identify penalties and assess conditions, the result is that citizens cannot meet the requirements, and may eventually lead to illegal detention.

#### **Intervention while committing a crime**

The stages of criminal activity include preparatory operations, start of the crime and complete crime. When citizens are allowed to intervene in accordance with this law is a matter to be said, including the stage of the commission of the crime and the completion of the crime.

Citizens' intervention must be during or after the crime, especially in Article 45, which states that "Take the necessary steps to prevent a crime and what to do" supported this claim, brings to mind Two-phase commit a crime and post crime. As well as " if the crime done" even the expression "evidence crime" Also refers to the next stage of the start of the crime. And with respect to future crimes, there is no such option (Mehra & Jahan, 2016, 47).

The legislator has described the crime and post-crime phase as a good time for citizens to intervene because arresting a citizen is exceptional and as a result, we cannot apply to all stages of crime. Citizens may overdo it or go astray but it doesn't seem to be a problem when a crime is taking place or its happening and its effects are disappearing and as a result, we will have more benefits than disadvantages.

#### **Lack of justice officer in place**

In the Iranian context, two books have been presented for the possibility of another, which illustrates the principle. One is that the crime must be from the evidence crime and no other judicial system is in place. More importantly, there are no judicial clerks that have the authority and duty to interfere with visible crimes and they can even use their powers to use weapons and the like. This indicates that unless there are public justice registrars, there is no discretion for ordinary citizens and even private registrars.

Justice departments are usually less frequent on the streets and passages, especially in societies where there are no security problems, but they are nonetheless possible. It appears that in the apparent offenses referred to in Article 45 of the Code of Criminal Procedure we should point out that: Citizens should first try to get help from the court clerk and finally, if not possible, arrest and interfere in the criminal process as one of the last remedies.

#### **Citizens are only allowed to take the necessary actions**

Citizens as ordinary people who do not have security powers and who cannot, on the other hand, resort to such actions because they lack the necessary expertise and capability they can only do what is necessary and therefore not harmful to them and society. Involvement with the accused, attempting to engage him, as well as

interfering in a conflict such as these cannot be within the scope of the citizen's duties, Citizens' involvement in the criminal case may not be public, but rather exceptional and depending on the circumstances.

Preserving a crime scene is another option mentioned. These are important things to do and they can be made in the future. The Executive Code, "Boundaries of Authority, Description of Duties and How to Investigate the Crime Scene", was adopted by the Judiciary on 2017/09/19, which defines the term of the crime scene as well as the scope of powers in this matter. According to Articles 1 and 2 of this Code: "The scene of a crime is the place where the perpetrator committed his criminal conduct and preserving the crime scene is "All measures and safeguards to protect the traces, signs and causes of crime and to prevent their eradication or alteration or add to the crime scene in such ways as confining, guarding and preventing unauthorized persons or animals." This authority certainly exists for the citizens involved in the crimes mentioned, as stated in the note: Citizens can preserve the crime scene and, as a result, take action as stated in this code.

Notes 2 and 3 of Article 2 of the present Code, which refer to the responsible and authorized persons in this matter, Citizens are not named to preserve the crime scene. It seems that the legislator and the judiciary should have taken all the above into account in adopting this law as well as the by-laws. Citizens have no option in dealing with crimes and they cannot do whatever they want with the excuse of maintaining order. Just as the police and other judicial officers of the judiciary do not enjoy such freedom of action and must act in accordance with the law. Indeed, in the conflict between the rights and freedoms of individuals and the maintenance of order and public interest, neither has any preference over the other and it is the law that precisely defines the scope of action of the police and other persons (Alidousti, 2009, 60).

The use of unconventional force can lead to discrediting individuals, but sometimes the use of important and dangerous tools can be permitted for law enforcement. However, the condition of proportionality still needs to be met. (Nowruzi & Others, 2018, 66)

Forced arrests usually require the use of force and there is a high likelihood that judicial officers will resort to this. This is why the law in the penal code of Iran and the United Kingdom provides for this, and as a result, legal provisions have been provided to prevent excessive police and judicial action.

### **III. UK Citizen arrest**

Arresting Citizen in England is a medieval institution that was later incorporated into the laws of the country and has been the focus of the Commonwealth system and judicial procedures. This has led many other criminal laws in England and the Commonwealth legal system, such as the United States, to take advantage of this legal entity.

In the English legal system there is a term that is used as a reason to arrest a police officer. In fact, if the rationale is established by the police, he can be arrested for obvious crimes and does not need a permit from the judiciary. Whether the rationale for the criterion is some kind or objective has not been ascertained, and it is up to the police to prove what the rationale for his arrest was (Murphy, 2002, 959).

So the rational reason in British law is somehow in line with the strong suspicion in Iranian law. So in order to get the justice clerk involved in some of the crimes that need urgency as well as quick reaction so that they can get the right result in the shortest possible time, it is necessary to take this action before obtaining permission from the judiciary and do the same thing in a way that meets a criterion called reasonable reason,

that seems to be the criterion for arresting a citizen and as a result, it can be upheld by the court, since there is no debate about the law.

The issue of citizen in the UK legal system has received much more legislative attention and there is less of a challenge to it than Iranian law. The issue of citizen in the UK legal system has received much more legislative attention and there is less of a challenge to it than Iranian law, because this is a much longer history in British law. As a result, in the judicial process, its faults and drawbacks are known and the rules that are intended for it can certainly be less objectionable and progressive. The most important rules in this area are:

- Police Law and Criminal Evidence 1948
- Law of Public Order 1986
- Terrorism Act 2000.

### **The Basics of Citizen Arrest in English Law**

Two points in British penal policy need to be considered for examining the historical roots and foundations of citizen. One should first consider the historical background of this issue, which dates from the Medieval and, moreover, it is necessary to consider the foundations of British criminal policy in participating in the criminal process.

### **The Historical Roots of Citizen Arrest in English Law**

The historical origins of citizen detention go back to England. When law enforcement officers were absent in some areas. Under such circumstances, private individuals would bear the burden of maintaining public order (Gardner and Anderson, 2012, 386). Historically, therefore, even British citizens have this responsibility and there is a precedent for this in their rights that can help them better understand the issue.

About 900 years A.D, The Society took responsibility for maintaining order and peace that lay in the Danish, Anglo-Saxon and British Islands; it was from that period the social tradition of arrest was formed by citizens, so that the responsibility of maintaining local order was up to each citizen. Therefore, all men living in a specific place took responsibility for maintaining peace in specific forms. After Norman conquered England in 1066, the former institutions and regimes were reformed under the system (the Frank Pole). This system was such that, it divided the responsibility for peace between those who were related to the king by kinship or oath of allegiance (Hollin, 2013, 238-223)

Thus, in various historical periods, the English people acted as citizens who had jurisdiction over the affairs of the Registrar of Justice and so it seems to say: This kind of pseudo-judicial practice has emerged extensively in British history and as a result, we can do things that can go well beyond just a simple arrest.

In medieval England, prosecution began when a citizen introduced a defendant to a judge of peace. This citizen could have been himself a victim of the crime or the person who arrested the offender while committing the crime (Radzinowics, 1956, 76). The sheriffs also encouraged people to arrest citizens by emphasizing the active involvement of powerful individuals in their own towns and villages. In this era, the right of private individuals to arrest was in practice like the possession of a sheriff and guardian (Grossack, 1994, 2).

The historical background in England on the subject in question is such that it has made it possible to retain it in modern British criminal law written in recent years, 2005. This is in fact explained as if it were a common institution in the UK and even citizens are more knowledgeable and knowledgeable than legislators.

Because the rules in Communal Law are more effective than the rights of the subject and can create rights and obligations for citizens.

### **Participatory Criminal Policy in the UK**

Criminal policy in the English legal system is largely derived from a participatory criminal policy that is far from authoritarian and its tools. This legal system, as the first legal system to bring about a jury and arrest a citizen, indicates that citizens can be used in various forms of criminal justice. This type of exploitation ultimately results in laws that can lead to citizen arrest.

The first aspect of people's participation in the criminal process goes back to the issue of crime discovery and the necessity of its prosecution, that, even after the closure of the criminal network, as a result of the emergence of the state and its monopolization, the social group has been involved in all forms of criminal justice through disclosure and crime reporting. Beyond that, in some countries, such as the United Kingdom, the power to prosecute has been given to ordinary people, whereby anyone (even if there has been no crime) can institute public litigation. In that case, he or she should pursue it through his or her counselor or lawyer, such as a private hearing. However, in most cases, the pursuit begins with the initiative of the police, and people do not play a large role in this (Marty, 2002, 132).

The origin of the jury in its present form dates back to England in 1215 AD and from there it has entered other countries, including France (Stephanie et al., 1998, 559). These provide a justification for the entity in question; however, social, non-legal and even ethical grounds can be used to justify this.

### **Terms of citizen's arrest in the UK**

The Police and Criminal Evidence Act, which is the first and foremost new law in this field, it has explicitly stated the conditions of arrest and detention for both police and civilians. Article 24 of this law provides: Anyone can have a reasonable suspicion of committing an arrest able crime or is he really committing such a crime or arrest anyone else who has committed a crime or has a reasonable suspicion of having committed such a crime.

### **By indictment**

In the criminal justice system, the UK divides offenses into arrest able and non-arrest able. Non-arrest able offenses require a judicial order to attract a defendant, while arrests in the English law system do not require a court order or authorization because of the urgency. In fact, these are crimes that citizens can interfere with and arrest and can exercise their discretion.

According to Article 5 of the UK Police and Criminal Evidence Act, the first condition for citizens to intervene in the arrest of the accused is to make the offense arrest able. For the first time, the Criminal Code divided the crimes into two categories: Offenses for which there were no warrants for arrest and those that did not. It is worth noting that arrest able offenses refer to offenses that are punishable by law and that offenders can be arrested without arrest. Effects of arrest able offenses under police law and criminal evidence include: (Mehra, 2013, 80 and 81)

- a. Offenses with a statutory punishment (for example, premeditated murder, which is a life sentence)
- B. Offenses that, if committed by means of four years or more, may be punishable by up to five years or more, or may include criminal damage to property (other than arson).
- C. Other specific crimes (such as customs or some sex offenses such as prostitution of women walking in the street to attract customers)

The principle is that, in the UK legal system, offenses cannot be detained unless otherwise stated because arrestable offenses limit the liberty of individuals. Of course, instances of this kind can be greater than crimes, because the titles above are general and there may be subsets of them.

Now, Article 110 of the Police and Serious Organized Crime Act 2005 has been replaced by the previous one. The law retained existing powers and in some cases expanded them; it expanded its application from arrestable offenses to all indictable offenses, citizens may therefore arrest, without warrant, a person who is committing, or for reasonable reasons, a charge of a felony (Sanders, Young and Burton, 2010, 153).

Crimes with indictment, they are crimes that are attended by professional judges, juries in criminal court dealt with. Crimes such as murder, armed robbery and rape fall into this category; But crime planar, essentially indictment offenses which under the law can be addressed in the Criminal Court of Peace or the court. It is also for the court of peace to determine the procedure of summary or indictment. Therefore, crimes with indictments are important, for which there is severe punishment and we can refer to the UK case law to determine indictable offenses but what matters is that the indictable crimes are by no means the same as the crimes that can be arrested and matched because the new division of crime in English law is divided into three categories: Abbreviated, Planar, indictable offenses that can only include indictable offenses.

#### **Intervention during or after committing the crime**

In the English legal system, in accordance with Article 24 of the Police Powers and Criminal Evidence Act, it is stated that "anyone can arrest be a reasonable suspect, committing an arrestable crime, or really committing such an offense, or anyone else who has committed an arrestable offense or there is a reasonable suspicion that he has committed such a crime" and this article states that: Citizens cannot intervene before committing a crime and the only difference is that if there is a reasonable suspicion that the crime is possible or the crime has been committed as a result, we can grant citizens permission to intervene under this article.

In the UK legal system, the stage before a crime is not the extent of citizen involvement Even if the probability of a crime is very high and as far as the criminal proceeding is concerned, the right of arrest or any interference by citizens cannot be imagined and no authorization can be found in this article of law. Unless otherwise provided by law as a duty or discretion for the citizen to prevent the occurrence of a crime and this deterrence of crime will not be a matter of citizen arrest, this is because the arrest is about a person who has committed a crime and is being arrested to hand over to the prosecutor's office.

#### **Necessity principle**

Citizen arrests are some of the exceptions that limit individual freedoms and interfere with law enforcement officers and should be restricted to citizens due to lack of expertise and knowledge of citizens. So it goes without saying that the law must, in the event of urgency, take action to prevent any form of infringement of rights and privacy.

In England, enforced organized crime and police law make the use of the right of arrest subject to the principle of necessity (Sanders, Young and Burton, 2010, 153) Explaining that the other two conditions for citizen arrest are indicative of the necessity. First, the citizen must believe that arresting a police officer is not normally possible and secondly, the citizen must have common ground to believe that arrest is necessary for one of the following reasons. Preventing physical harm to anyone or the loss or destruction of property by the arrested person, protecting the arrested person from harming himself and preventing him from escaping before the police officer can take responsibility (Sunders & Others, 2010, 153). British law considers the main purpose

of arresting a citizen to be to prevent the escape of the accused and to prevent the destruction of the crime and proof of the crime.

In the UK legal system, there is the possibility of complaining against a citizen who made a wrongful arrest and in fact, there is some kind of criminal responsibility for him that could be due to his wrongdoing and his inaccuracy in detention and this mistake has in fact caused considerable harm to the accused but there is no criminal responsibility for the police because the police are not subject to the principle of necessity and can do so without expediency.

#### **Limitation of citizens to arrest**

It should now be seen whether the discretion of the British citizen to engage in a criminal act with the indictment is limited to arrest or that can citizens conduct inspections, inspections, and such things as the duties of the Registrar of Justice and prosecutors so that the reasons for the crime remain protected? Citizens do not seem to have this discretion and should therefore be restricted in their arrest.

In British law, the arrest of a citizen is not a gateway to other powers and powers, including the right to inspect or sample the body; Contrary to the powers available to the police in arresting these forces (Sunders & Others 2010: 152) For this reason, it is often said that arrest should be sought after a warrant is issued; However, most citizen arrests occur when emergencies require arrest without a warrant (Fischer, Halibozek Walters, 2012, 106).

It is only logical that citizens do not have access to interrogation, inspection and the like. Because ordinary people are usually not able to understand what their consequences may be and what they might do to people and on the other hand, if some people take action and spread arbitrariness in society and create legal authority for individuals, there can be a great deal of law violation and as a result, it is quite prominent in that it allows individuals to interfere with the functions of the judiciary. Arresting a citizen is also necessary to prevent the escape and to cause harm to citizens.

### **IV. US Citizen Arrest**

Citizens have an active role in American criminal law, just like the British legal system and that is why we need to examine the issue of arresting a citizen on the bases and conditions in this legal system. Judicial Bailiffs in the American Legal System as FBI Police who make the Most Important Bailiffs, they work with some other agencies, such as private detectives which are somehow indicative of the involvement of non-state actors in the criminal justice process.

#### **The Basics of Citizen Arrest in American Law**

##### **Public and private participation in the criminal justice process**

Civic or nongovernmental participation is increasing day by day in countries using scientific and criminal penal policy in dealing with crime and criminal phenomena. The American legal system, which has been the focus of many criminological theories with a corrective and restorative approach, is also prominent in this regard. Private workshops are one of the most important manifestations of this type of thinking and we can say that we can correctly interpret the interference of citizens in this process.

As examples can be cited to non-governmental organizations which to deal with crime and helping the victims has been created; there is an American (Community Service for the Advocate for the Poor) who

voluntarily defends the poor in criminal cases and they advise them and resolve and resolve some disputes of individuals such as housing or custody disputes (The Annie, 2003.24)

American local or popular councils have replaced courts to settle amicable disputes between criminals and criminals, especially in crimes involving property and within the framework of homosexual and mediation relations of the seventies of the twentieth century. These councils are made up of several honorary members of the Resolution and after identifying themselves, they resolve the disputes of the people through mediation and they give a full response to the lawsuit (Predale, 2003, 135).

Therefore, the existence of a private detention facility in the American legal system is not far from conjecture and we can argue with this large volume of popular activity that the institution can have a prominent place in the US criminal process.

### **Spread the Restorative Justice Thought in America**

Criminal policy in the United States is such that it is on the path to social reform and reform and criminal policy ideas are based on this and that makes us think of some of the foundations of this criminal policy for an institution like citizen arrest in American law.

Restorative justice is a new way of thinking that rests on the healing and confrontation of the effects of crime in society, and in particular through the participation of the different elements of civil society (the victim, the criminal and the people). Restorative justice has been given various definitions by its theorists and it is not easy to provide a general definition of it.

Restorative justice is a process by which all parties, having a role in a particular crime, comes to a collective solution to how to deal with the future consequences of the crime and its future implications (van Ness, 2002, 2).

The American legal system, in its rules as well as in its practices, has tried to apply the principles and principles, by which it can implement this criminal policy, what a faster and easier way to take advantage of social capacity in criminal justice. These capacities are in such a way that the citizens are at their prime and the first phase of dealing with crime, which is the discovery of crime and the arrest of criminals, should start with the citizens.

Criminal mediation between the victim and the offender is another topic in US criminal proceedings that can be used as a basis for citizen and nongovernmental involvement in criminal justice. It is the first and most important, but also the most extensive, process of healing in contemporary times, rooted in the local and religious traditions and customs of human societies. In the year 1976, with the encouragement of the US Department of Justice's Law Enforcement Assistance Office, neighborhood justice models were introduced which is based on mediation and its first experience in Alhart Indiana began in 1978, and from there it spread throughout the country. It is estimated that there are 400 mediation programs in the United States, with more than 800 in Europe (victim offender mediation, 2003, 1-2).

The foundations, though, did not directly emphasize citizen but such institutions in US criminal prosecution represent the view that a citizen's arrest can be justified and determined. In general, among the countries of Iran, the United Kingdom and the United States, it seems that the United States should have a better view of the criminal justice system than it does and, of course, the secularity of the rules in this regard can make it less difficult to enforce.

### **Conditions of arrest for citizen in US**

US criminal justice laws are based on customary law, and many of the principles of criminal justice must be sought among the judgments and general principles contained in the amendments to the constitution. Reforms that have been made in the area of criminal justice also include issues such as privacy, arrests, and more. That is why we did not obtain legal material in the field of citizen. In the US legal system, the arrest of a citizen is also referred to as private personal detention, more or less because of the same conditions as in the UK and Iran.

(Personal Private Detention) Mostly by security professionals hired by private industry to prevent shoplifting and theft from employers. This type of detention requires that the offense by which the detention is committed has been committed or commenced in the presence of the detainee. In other words, the crime must be evident. In some states, arrest on a criminal offense, even if not evident and in the absence of the detained person, provided that the offender had committed the crime and the private person had reasonable grounds to believe that the detainee had committed the crime (stucky, 2001, 50 -51).

Compulsory Reporting Act Abuses in the United States include: Doctors and health care providers, educational, legal, law enforcement and relief services, and the general public, In this regard, state authorities (social prosecutions), including prosecution, identify and detect crimes and crime-related issues while communicating with local authorities (Verurai & Others, 2016, 34). These laws set out the terms and conditions that could justify a citizen's arrest but it does not appear to be applicable to all aspects of citizen arrest because this law only deals with specific business cases.

#### **Arrest in evident crimes and felony**

In the US legal system, as in the case of Iran and the United Kingdom, the crimes are divided in terms of the need for urgent investigation and immediate action to prevent the defendant from fleeing or hiding the visible and intangible crimes, however, in English law this title was divided into indictment with and without indictment but it should be said that in essence there is little difference and division seems to be a common theme.

In both Iran and the US legal system, the conviction must be followed by a summons for the defendant and his or her absence without justification from the judicial authority. However, prosecution is foreseen in cases without a summons in both countries. In cases of evident crime, Iranian and US law also permits law enforcement officers and their police forces to bring the accused directly without obtaining a judicial order immediately after the crime has occurred (Rahmani Far, 2016, 2).

Other crimes in the US legal system include citizen arrest and unlicensed arrest, which is one of the most serious crimes in the United States. These crimes, even if not evidently, provide citizens with the opportunity to arrest and hand over the accused to the authorities. That such a crime must, of course, be accompanied by a reasonable justification for the next condition to be stated.

If we want to find the offenses that citizens have in their custody in the US legal system, we need to look at the classification of offenses in that legal system. For that matter, of course, we need to have a look at the laws of the states as well, which, of course, seems very unlikely given the multitude of laws. But, for example, it is necessary to refer to the rules of one state in this regard. In Texas, for example, situations that do not need to be issued include:

Felony Crime: Be on the lookout for agents. The purpose of the crime in the presence of the police is to make him aware of the crime directly by means of the senses (sight, hearing, taste, touch and smell).

Misdemeanor crime: Be on the lookout for agents.

Crimes in public places; even if the agent has the time and the opportunity to get an appointment, there is no need to get an appointment, whether it is a felony crime or misdemeanor crime.

Unexpected and urgent circumstances: This position has various meanings. For example, when one is likely to run away (Koushaki & Soheil Moghaddam, 2016, 201)

These types of crimes in US law are among the most visible crimes and can provide citizens and law enforcement officers with the opportunity to arrest without the need for a detention order. Thus, the first and foremost condition for arresting a citizen in the American legal system is whether the crime is a visible crime or is considered a felony.

### **Reasonable cause to arrest citizen**

As stated in the preliminary conditions for arrest without the need for an arrest warrant issued by a judicial officer in the American legal system. There must be a reasonable justification for committing a crime in a non-evidence to commit crime, so that law enforcement officers as well as citizens may not be held liable for criminal or civil liability. And that is what makes finding a criterion for measuring rational reason a challenging issue in the American legal system. In fact, how and with what kind of reasoning citizens can infer a reasonable cause is a matter to be considered and, on the other hand, this criterion must be well-defined in the American legal system.

In the United States, it is not possible for individuals to exist unless there is a legitimate reason to commit crime. He is described above as a product, a product without a doubt, which in this case is related to a form of more than one, one, and more than one hand (Brayan, 2004).

In the US case law, in addition to the bail of civil, administrative, and criminal law enforcement, the nullity rule has also been recognized for bailiffs. In fact, the rule has protected the rights of individuals by discrediting the reasons for their arrests, seizures and illegal searches (Koushaki and Soheil Moghadam, 2016, 200).

So, what does reasoning mean in US criminal proceedings, and how is it reasonable to infer? All of these questions can lead us to a reasonable reason to arrest a citizen, an issue that seems to be comparative and comparable to other US criminal rules, or as a kind of standard, entrusted it to the judge and since the rule of invalidity cannot be applied to detention by citizens. Thus, the criminal courts in the United States do not appear to have applied much rigor to accepting a reasonable reason for citizens to arrest the accused.

## **Similarities and differences for Citizen Arrest in Iran, England and the United States**

### **Similarities**

Citizen licensing in the issue of citizen arrest in all three legal systems is subject to two basic conditions: First: Crimes involving citizens in arresting defendants must be of a type that require urgent investigation and it includes crimes that are occurring in the obvious or, failure to intervene promptly can destroy the effects of the crime and destroy the crime scene. These types of crimes have actually been brought up in these legal systems in various ways, as in Iran and the United States, with the crimes being referred to in the United Kingdom as planer.

The second condition in arresting a citizen is that there is a necessity for it to be said that only when there is a principle of necessity or a reasonable cause can a citizen intervene in the arrest and we cannot

legitimize the arrest of citizens without these necessities. In other words, any arrest or detention of private or citizen is in fact an exception to the principle, the main point is that the court Bailiffs of Justice can be detained and prosecuted in accordance with the law.

It seems that we can also emphasize this issue as a common ground on the issue of citizen arrest, that the idea of social participation in dealing with criminal phenomena in these legal systems can be considered as one of the rational justifications for arresting citizen and while in the Iranian legal system, the issue enjoin the right and forbid the wrong is a key feature of community participation and in the British legal system, the question of participatory criminal policy and in American law, ideas based on restorative justice and institutions such as community courts and the like are a key feature.

### **Differentiation**

The points of differentiation between the three legal systems mentioned in the discussion of citizen arrest are limited to some circumstances that seem to be taken into account in detail and in fact there is a difference in terminology, as expressed in the case of obvious crimes without indictment. On the other hand, there are differences in the principle of necessity as well as the civil and criminal responsibility of the citizens.

A comparison of the rules on arrest and detention in the two penal systems of Iran and the United States reveals the fact that both legal systems have a striking similarity to the rules of arrest and detention. However, the slight differences in the conditions of their capture and enforcement have led to tangible differences between the two penal systems of Iran and the United States. The attention to detail has been reflected in the placement and enforcement of American law and has been reflected in the opinions of judges, books and legal articles. This attention to detail in arrest and detention regulations, which is particularly important in enforcing arrest and detention by agents, is one of the most important benefits that the United States Common law system provides (Rahmani Far, 2016, 3).

It seems that the points of difference between these three legal systems for arresting a citizen can be summarized in the following cases:

a) In the legal system of Iran and the United Kingdom has written rules of subject matter and rights that specify the conditions and cases of citizen arrest and while in the American legal system, customary law and judicial procedure have spelled out the terms and conditions in this regard.

b) In the UK legal system, crimes that involve the interference of a citizen in arresting a citizen are, depending on the type of offense, the indictment as well as the duplicate offense and while in Iranian law, crimes are only visible when they are punishable by severe punishments, such as death and life imprisonment, and so on, and in the US legal system, this applies to crimes, offenses that are not visible and, of course, fall under the category of crime can also fall into this position. Therefore, there are differences in this respect.

c) In the upper part of Iran, the ability to force more and more forces to know the other person or the other by using the key (the need to execute). Therefore, in cases where it is not possible for me to do so by another force, force is permitted; The Iranian law is not very specific in that it can have a lot of controversy. Therefore, it should now be based on the following principles. Still, the procedures have not been adopted due to the newness of the

subject (Mehra & World, 2017, 54). In the US legal system, the criterion for arresting a citizen can be a reasonable argument. It is used in crimes that are not felony.

d) In human terms, theoretically, I have no boundaries with others and, based on complete evidence, one cannot use the process itself. The other is now in full circulation for the Angels' citizens, and in the presence of the crowds and the duo those are more than willing to kill many of the Imams. Normal people can; in my case, pay me for my crime; consequently, and contrary to what has been stated, in cases where the crime has not commenced, the criminals have no more justification for the crime (Mehra & Jahan, 2017, 55). American law in this regard appears to be similar to that of England and the duty of citizen and policing is in line with law and judicial practice. However, in the Iranian legal system, the issue of citizen arrest and arrest by a judicial officer can be different in terms of jurisdiction and jurisprudence.

e) Iranian lawmaker has filed another criminal case under Article 45 of the Law. Because in Iran, there are two other forms of crime-prone lynching that I am currently in crime-lynching and he also didn't work for the company. But for the sake of limited gestures, human laws have given rise to other separate occupations for ordinary citizens. The Iranian politician's database, with the correction (the measures needed to crack down on the crime center and the three forms), did not seem to have any further support. However, the provision of (the need for execution) and the final surrender of authority to the authorities is a way of preventing unnecessary and unjust use of it (Mehra & Jahan, 2017, 55). With regard to the powers that be beyond arrest, the next steps, such as inspections and inspections, are: The rules of the three countries are somewhat similar, thus preventing actions that fall within the jurisdiction of the judicial authorities and while in the Iranian legal system, the issue of crime scene preservation and the preservation of evidence of a crime is a matter that has not been addressed in the UK and US legal system or it is not counted in the line of citizen arrest.

f) Lawmaker in Iranian law makes no mention of incident crimes and crimes not committed but this is explicitly foreseen in British and American law. In the United States, civil liability will be created if the crime is not committed and arrested (Nowruz & Others, 1979, 57).

## V. Conclusion

The earliest source of citizen is the United Kingdom, which has been around since the Medieval, and has been used as a court clerk in the absence of security forces.

In all three jurisdictions of Iran, the United Kingdom and the United States, the idea of social participation in crime that derives from Islamic teachings and community-wide criminal policy has persuaded lawmakers to establish the institution. To promote virtue and prevent vice of Iranian law, the historical record of citizen arrest in the United Kingdom, and criminal justice policy based on restorative justice in the United States are regarded as the most important basis for citizen arrest in all three of these legal systems.

The conditions of citizen arrest in the Iranian legal system are as follows: The crime must be of the obvious type. Citizens can be arrested if they are not present at the judiciary and not informed. Citizens have the

opportunity to intervene and arrest if the crime is committed or the crime is committed; however, it is not possible for citizens to intervene before the crime, although it is very likely.

The conditions of citizen arrest in British law are as follows: The offense must include indictment or two-way crime. The principle of necessity exists. Citizen arrests must take place during or after the crime.

In the US legal system, citizen arrests are in the form of customary law and judicial practice. The conditions of citizen or private detention in the US legal system are as follows: Citizen can only be arrested if the crime is apparent from the crime and in non-evidence crimes it is possible when it is a crime, so the unseen crime also falls into this category. Citizen in US law requires reasonable proof of the crime to be committed. How reasonable the reason can be proved is a matter to be considered in arguments in American law.

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