
The investigation of appearance of mediation in contemporary Law of nations and its outbreak on the Iranian penal policy”especially on the new code of Iranian criminal procedure Act on 1392

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Abstract: Criminal phenomena (crime) in all periods of human’s life history has been met with reactions, these reactions, of course, according to different requirements tailored to the varied social understanding. First reaction type to the criminal phenomenon is coercive. In fact, know punishment as the only solution to achieve security and peace. But little by little reaction type to criminal phenomena, to take steps towards reform and treatment of offenders. On the other side, a new theory takes shape known as restorative justice, that follows some goals such as diversion and restorative on the criminal justice. In between, the mediation is the most important way to implement of this theory. Accordingly mediation, is non-binding ritual resolving disputes. In fact, mediation is used according to a previous agreement made between victim and offender and in the presence of a third party, named the mediator, for resolve disputes. And this means that, the mediation is to get away of official and severe formalities criminal justice process. Since the mediation will reduce negative and causing offense consequences of penal system as well as the social and economic its costs. And at the same time also fulfills the aims of restorative justice, use of it expanded. In fact, lack of sorrow and failure to traditional criminal justice system in the treatment of offenders, and crime prevention, long heaving (justice) process, disability to control and harness the increasing problem of delinquency. Existence of is a mediator institution who practices of restorative justice. And reducing these factors, is essential. The advent of restorative justice as a result of developments there in attitudes to criminal justice

and thought observer to crime in the past 2 decades. Restorative justice holds that will participation in this process all involved parties in the crime, and with tools like mediation. The goal is to decriminalization and diversion done. And the principle that accused does not follow, as far as possible. It is also intended to provide relief for victims. Code of criminal procedure in Article 82. The issue of mediation have raised in mandatory crime 6, 7 and 8. These crimes are often forgivable or crimes that is effective at their discount, forgiveness of the plaintiff or private claims. This affair would reduce the density of files and reduce the cost of victim and about the defendant will provide context to hasten its re-socialization.

Keywords : Keywords: Mediation, Felon, Victim, Criminal justice, Restorative justice

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