

The defendant's right to counsel during the preliminary investigation in the legal system of Iran and France

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Each defendant has rights and freedoms that necessarily and effectively must be supported and that is possible by the lawyer presence in all stages of investigation, especially in preliminary inquiries. Currently one of the measures of justice in society, is right to counsel And obviously the necessity of any action by the lawyer is required to predict this right in laws that ensure the duty of the authorities and judicial Officers to observe the mentioned right. The defendant's right to counsel, specifically in French law has been stipulated numerously. This significant subject has been considered in Iranian legal system. This research is aimed at to evaluate the defendant right to counsel in the preliminary stages of the Code of Criminal Procedure Act in 2013 and the provisions of the Criminal Procedure Code of the French and concluded that by examining these laws, it would be evident that the legislator in the Criminal Procedure Act of 2013 considering the necessity and importance of the presence of a lawyer at all stages of criminal proceedings including the investigation and trial, expanding the presence and powers of attorney than before, but for full compliance with French law there is gaps and flaws which sometimes caused by the approach of the safety circuit and sometimes perhaps due to legislative oversight and the need to eliminate these deficiencies .Meanwhile, the French legal system, especially in the presence of his lawyer at all stages of criminal proceedings and preliminary inquiry and probation, the necessity of notifying the defendant of the right to counsel and ing court appointed counsel for the defendant have been considered.

Keywords : lawyer, defend, defendant, a preliminary investigation, Code of Criminal Procedure 2013, French penal law

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