

A Comparative Analysis of the Foundations and Scope of the Invalidity of Evidence in the Criminal Justice Systems of Iran and the United States, with Emphasis on the Legitimacy of Judicial Decisions

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Abstract

The invalidity of evidence, as one of the fundamental safeguards of a fair trial, plays a decisive role in ensuring the legitimacy of judicial decisions and protecting the defendant's rights of defense. Employing a descriptive-analytical approach and a comparative method, the present study examines the normative foundations, scope, and consequences of the invalidity of evidence in the criminal justice systems of Iran and the United States. The findings indicate that, in the United States, the "exclusionary rule" and the fruit of the poisonous tree doctrine have developed primarily on the basis of the Fourth Amendment and the requirements of due process, with the objectives of institutional deterrence and preserving judicial integrity. Accordingly, the admission or exclusion of evidence is structured through the application of causation tests, attenuation analysis, and systematic exceptions. By contrast, in the Iranian legal system, the inadmissibility of evidence obtained through torture and coercion is explicitly provided for in the Constitution and ordinary legislation and constitutes a "hard core" of protection grounded in human dignity. Nevertheless, in areas not expressly regulated—such as certain procedural violations in the acquisition of evidence and derivative evidence—analytical and relatively coherent criteria have been formulated to a lesser extent. This deficiency may result in inconsistency in judicial decision-making and diminish predictability in criminal proceedings. By proposing a five-stage analytical model for assessing the legitimacy of evidence and distinguishing between "absolute invalidity" and "relative invalidity," this study suggests that the Iranian legal system, while preserving its constitutional foundations and the capacities of Islamic jurisprudence, should move toward systematizing the criteria governing judicial decisions concerning unlawfully obtained evidence. It concludes that strengthening analytical criteria for the invalidity of evidence, in addition to safeguarding the defendant's rights of defense and the integrity of criminal proceedings, can enhance the institutional legitimacy of criminal justice and public confidence in judicial decisions.

Keywords: Invalidity of evidence; exclusionary rule; fruit of the poisonous tree doctrine; fair trial; legitimacy of judicial decisions; defendant's rights of defense

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1. Introduction

In contemporary criminal proceedings, “evidence” is not merely an instrument for proving an offense; rather, it represents the point of intersection between two fundamental values: the discovery of truth and the protection of fundamental human rights throughout the processes of prosecution and adjudication. Whereas in more traditional legal systems material truth was regarded as the ultimate objective of adjudication and the means used to attain it occupied a secondary position, modern criminal law has transformed this conception. The principle of the Rule of Law requires that not only the outcome of proceedings but also the process through which that outcome is obtained be subject to normative and constitutional scrutiny (LaFave, 2020). It is from this perspective that the concept of the “invalidity of evidence” or “exclusion of evidence” acquires significance: a mechanism that prevents the criminal justice system from benefiting from evidence obtained through a process that violates fundamental rights (Dressler & Thomas, 2022).

Accordingly, truth in criminal proceedings is no longer a “raw truth,” but rather a “legitimate judicial truth”; that is, a truth that must be obtained through fair and lawful procedures. A judicial decision may be logically or evidentially correct, yet if it is founded on evidence obtained through torture, coercion, unlawful surveillance, or violations of privacy, it loses its legitimacy at a level extending beyond the correctness of judicial reasoning. This distinction between “logical correctness” and “legal-procedural legitimacy” constitutes one of the foundations of fair-trial theory and is also reflected in international legal standards. In particular, the right to a fair hearing before a competent, independent, and impartial tribunal constitutes a central guarantee of fair criminal adjudication (Rahgosha, 2022). Therefore, the invalidity of evidence is not merely a procedural issue confined to the law of evidence; it forms part of the architecture of the legitimacy of adjudication.

The central problem of the present study arises precisely at this point: under what circumstances should evidence be excluded from the evidentiary record, and if it is not excluded, what effect does this have on the legitimacy of the judicial decision? The fundamental tension between “efficiency in crime detection” and “protection of the defendant’s fundamental rights” gives rise to this question. On the one hand, society and the State require effective instruments for detecting and proving criminal offenses; on the other hand, leaving these instruments unconstrained may lead to widespread violations of human rights and ultimately erode public confidence in criminal justice (Dressler & Thomas, 2022). The experience of U.S. law demonstrates that the response to this tension emerged through the development of the Exclusionary Rule and subsequently the “Fruit of the Poisonous Tree” doctrine. These doctrines were developed through landmark judicial decisions, including *Weeks v. United States* (1914) and *Mapp v. Ohio* (1961), and became standards for assessing the legitimacy of evidence (LaFave, 2020).

By contrast, although Iranian law explicitly and unequivocally recognizes constitutional and statutory prohibitions against torture and unlawful intrusion, the “rule of invalidity of evidence” is predominantly addressed through specific statutory provisions and individual situations rather than formulated as a general analytical doctrine capable of covering legislative silence or unregulated cases (Moazenzadegan & Soheil-Moghaddam, 2016). This reveals an important research gap: while preserving the constitutional foundations of Iranian law, can the jurisprudential experience of the United States be utilized to develop analytical criteria for the invalidity of evidence without creating structural incompatibility?

In Iranian law, the foundations for invalidating unlawfully obtained evidence have been established at least at two fundamental levels. The first concerns the prohibition of torture and the invalidity of confessions obtained through coercion. Article 38 of the Constitution expressly prohibits all forms of torture for the purpose of obtaining a confession or information and provides that testimony, confession, or oath obtained in this manner has no value or validity. The significance of this constitutional provision lies in the fact that it incorporates an evidentiary sanction within the constitutional rule itself: it not only prohibits the conduct but also prevents the court from relying on its product. This guarantee is reinforced by Article 60 of the Iranian Code of Criminal Procedure, which prohibits compulsion, coercion, insults, leading or deceptive questions, and questions unrelated to the charge during interrogation. Furthermore, Article 169 of the Islamic Penal Code provides that a confession obtained through coercion, compulsion, or psychological or physical abuse lacks evidentiary value and validity and

requires the court to conduct a renewed inquiry. From a technical perspective, this provision establishes a link between the constitutional principle and the court's practical procedural duty.

The second level concerns the prohibition of unlawful intrusion and the protection of privacy. Article 25 of the Constitution prohibits inspection, recording of conversations, disclosure of communications, and interception except as authorized by law. This provision can provide an analytical foundation for assessing the legitimacy of evidence obtained through interception or access to communications, particularly where statutory procedural requirements have not been observed. Accordingly, at its core, the Iranian legal system contains clear foundations for the invalidity of unlawfully obtained evidence; the remaining question is what criterion should determine invalidity in non-torture cases and in areas not expressly regulated.

In U.S. law, the Exclusionary Rule was not developed solely to protect the individual defendant; it also evolved on the basis of institutional deterrence and the principle that the criminal justice system should not benefit from constitutional violations (Dressler & Thomas, 2022). Admitting evidence obtained in violation of the Fourth Amendment would mean that the court itself benefits from unconstitutional conduct, thereby undermining the institutional legitimacy of the judiciary (LaFave, 2020). The literature on the exclusionary rule likewise demonstrates that, in U.S. law, both the rule excluding illegally obtained evidence and the Fruit of the Poisonous Tree doctrine were expanded through judicial precedent, while their exceptions also developed within that jurisprudential framework (Moazenadegan & Soheil-Moghaddam, 2016).

The precise gap in Iranian law may therefore be formulated as follows: although the invalidity of evidence is explicitly recognized in circumstances such as torture and coercion, no unified theoretical criterion has been comprehensively formulated for distinguishing "absolute invalidity" from "relative invalidity" in many non-torture violations, such as searches conducted without full compliance with procedural requirements, defects in warrants or authorizations, or the use of leading questions (Ghiasi, 2016). Consequently, judicial approaches may at times become excessively restrictive and at other times excessively permissive, and this fluctuation threatens the procedural legitimacy of judicial decisions.

The significance of the present study can be defended at four levels. First, it has theoretical significance because it elevates the invalidity of evidence from a technical evidentiary issue to the level of criminal justice theory and the legitimacy of judicial decisions (LaFave, 2020). Second, it has practical significance because judges and lawyers in actual cases frequently confront questions concerning the effect of procedural violations on evidentiary validity, and the absence of analytical criteria may produce inconsistent decisions (Ghiasi, 2016). Third, it is constitutionally significant because an overly permissive approach to unlawfully obtained evidence may gradually erode the protections embodied in Articles 38 and 25 of the Constitution. Fourth, it has criminal-policy significance because a comparative examination of the U.S. experience permits institutional deterrence mechanisms to be evaluated within a domestic legal framework (Dressler & Thomas, 2022).

The general objective of this study is to conduct a comparative analysis of the foundations and scope of the invalidity of evidence in Iran and the United States, with particular emphasis on its effect on the legitimacy of judicial decisions. Its specific objectives are to identify the Iranian foundations derived from the Constitution and ordinary legislation; explain the U.S. foundations of the Exclusionary Rule and the Fruit of the Poisonous Tree doctrine; conceptualize the legitimacy of judicial decisions at both legal and procedural levels; and propose a model for Iran based on the distinction between absolute and relative invalidity and the criterion of a "substantial violation of the right of defense" (Moazenadegan & Soheil-Moghaddam, 2016).

The principal research question is how the foundations and scope of the invalidity of evidence are defined in the two legal systems and what effect these differences have on the legitimacy of judicial decisions. The principal hypothesis is that, through the jurisprudential development of the Exclusionary Rule, the U.S. system has created broader structural protection for defendants' rights, whereas the Iranian system provides strong sanctions in expressly regulated areas but requires further development of analytical criteria in areas not expressly addressed.

Within the conceptual framework of this study, the "invalidity of evidence" is defined as the denial of legal validity to evidence obtained by unlawful means and its exclusion from the body of evidence that may be used against the defendant (Moazenadegan & Soheil-Moghaddam, 2016). The "legitimacy of a judicial decision" is analyzed at two levels: legal legitimacy, meaning conformity with the Constitution and ordinary legislation, and procedural/ethical legitimacy, meaning reliance on a fair process and avoidance of institutional benefit from violations of fundamental rights (Dressler & Thomas,

2022; LaFave, 2020). “Fair trial” refers to the body of guarantees that makes effective defense and impartial adjudication possible (Rahgosh, 2022).

This study adopts a descriptive-analytical and comparative research method. Its legal scope encompasses the Constitution and criminal legislation of Iran, the Fourth Amendment to the U.S. Constitution, and the jurisprudence of the Supreme Court of the United States. Data are collected through library research and documentary analysis of legislation, judicial decisions, and scholarly articles, while the comparative analysis is conducted by identifying the foundations, scope, sanctions, and effects of evidentiary invalidity on the legitimacy of judicial decisions.

2. Jurisprudential, Constitutional, and Statutory Foundations of the “Invalidity of Evidence” in Iranian Law and Its Relationship with the Legitimacy of Judicial Decisions

In Iranian law, the “invalidity of evidence” cannot be understood as the effect of a single statutory provision or merely as a procedural rule situated at the margins of evidentiary law. The concept is supported by an interconnected body of jurisprudential foundations, constitutional principles, criminal procedural rules, and legislative policies concerning citizens’ rights. If this normative structure is properly reconstructed, it becomes apparent that even where ordinary legislation does not expressly refer to the “exclusion of evidence,” defensible analytical criteria may nevertheless be derived from constitutional logic and the principles governing the “collection of evidence.” Such criteria should, on the one hand, avoid unjustifiably obstructing the “discovery of truth” and, on the other, prevent judicial decisions from being founded on evidence obtained through illegitimate means in violation of fundamental rights. This perspective has likewise been emphasized in Iranian legal scholarship, which has demonstrated that the collection of evidence is not merely a technical or police function but a domain governed by multiple coordinate legal principles, violation of which may undermine the legitimacy of the judgment and may even provide grounds for reversal on appeal (Halalkhor Mirkala et al., 2020).

The first step in the Iranian analysis is to elevate the “collection of evidence” from the level of investigative techniques to the level of a “governing principle.” From a technical perspective, the collection of evidence refers to the gathering of information and evidentiary material by law-enforcement officers and investigating authorities in order to establish the attribution of an offense. From a legal-theoretical perspective, however, the collection of evidence is the point at which the full range of fair-trial guarantees becomes operative, because without evidence there can be neither a fair attribution of criminal responsibility nor an effective opportunity for acquittal and rehabilitation. Iranian legal scholarship has therefore appropriately identified a series of principles governing the collection of evidence, including the “principle of legality of evidence gathering,” the “presumption of innocence,” the “principle of free evaluation of evidence,” the “principle of freedom in gathering evidence,” and the “principle of legality of evidence.” Within this framework, it has been emphasized that unlawful evidence gathering is not only incompatible with human dignity and human rights but may also result in reversal of the judgment at a higher judicial level (Halalkhor Mirkala et al., 2020). The precise implication of this formulation is that the “invalidity of evidence” lies at the intersection of two principles. On the one hand, the criminal justice system cannot be entirely constrained in discovering the truth and must possess the capacity to gather evidence; on the other hand, the same system is not entitled to regard every means of reaching the truth as permissible, because the instruments and methods employed must themselves be lawful and legitimate. The invalidity of evidence therefore neither denies the importance of truth nor authorizes every means of attaining it. Rather, it operates as a “control rule” according to which truth may enter the judicial process of fact-finding only when it is compatible with standards of legitimacy (Halalkhor Mirkala et al., 2020).

This logic also has roots in Islamic jurisprudence. In Imami jurisprudence, the probative authority of evidence is associated with matters such as the requirements for a valid confession, the integrity and competence of witnesses, the authority of evidentiary presumptions, and the probative value of circumstantial evidence. What is particularly important for the present study, however, is that Islamic criminal jurisprudence is concerned not only with the “result” of proof but also with the “method” by which it is obtained, particularly where the method of obtaining evidence involves coercion, abuse, harm, unlawful investigation, or interference with privacy. In the modern era, this concern with the method of evidence acquisition has been reformulated in the language of constitutional law and subsequently operationalized through ordinary legislation. Studies examining the jurisprudential and legal principles corresponding to evidence gathering therefore demonstrate that authoritative Iranian legal and jurisprudential sources concerning evidence, proof, the limits of confession, and the permissible limits of

interference with individual rights provide substantial theoretical capacity to support an approach based on evidentiary invalidity. Thus, even in the event of legislative silence, jurisprudential foundations may guide legal analysis toward the protection of human dignity and defense rights (Halalkhor Mirkala et al., 2020). The conclusion to be drawn from this layer is that the jurisprudential foundation of evidentiary invalidity functions in Iranian law as a “supporting norm”: where the legislature has not spoken expressly, it may provide interpretive direction and prevent criminal justice from degenerating into an unrestricted form of consequentialism.

The “hard core” of evidentiary invalidity in Iran, however, must be located in the Constitution. Unlike legal systems in which exclusion of illegally obtained evidence has developed primarily through judicial precedent, the Iranian Constitution itself expressly establishes a rule of evidentiary invalidity. Article 38 of the Constitution prohibits torture for the purpose of obtaining a confession or information, prohibits compulsion to testify, confess, or take an oath, and declares such testimony, confession, and oath devoid of value and validity. Two aspects of this provision are decisive for the present study. First, Article 38 is not merely a “behavioral prohibition”; it also determines the “evidentiary consequence” of the prohibited conduct by directly linking the illegitimacy of the method with the loss of evidentiary value. Second, this evidentiary consequence is directly related to the legitimacy of the judicial decision, because a judgment based on a confession obtained through torture or coercion, even if substantively close to the factual truth, is fundamentally defective from the perspectives of constitutional law and procedural justice, since the evidence influencing the court’s conviction has itself been legally deprived of validity (Nekounam, 2021).

Alongside Article 38, Article 25 of the Constitution constitutes the second pillar of this “hard core,” and its significance has increased considerably in contemporary conditions due to the expansion of technologically generated evidence. Article 25 prohibits inspection and recording of conversations, disclosure of communications, censorship, interception, and more generally interference with communications except where authorized by law. This provision plays a vital role in the analysis of evidentiary invalidity because a substantial proportion of modern evidence—from interception and communications tracking to access to telecommunications data—lies at the boundary between “crime detection” and “interference with privacy.” By conditioning such measures on legal authorization, Article 25 provides an important implicit criterion: where access to these areas occurs without compliance with statutory requirements, the resulting evidence is seriously questionable from the standpoint of legitimacy. From this perspective, a judgment relying on evidence obtained through violation of constitutionally protected privacy presents not merely a procedural defect but a constitutional legitimacy crisis, because the court effectively benefits from the result of a constitutional violation (Khaleghi, 2022).

These constitutional foundations are also reflected in ordinary legislation through operational rules. Following the adoption of the Iranian Code of Criminal Procedure in 2013, an effort was made to transfer a substantial portion of constitutional guarantees into the practical methods governing investigation and interrogation. Article 60 of the Code of Criminal Procedure prohibits “compulsion or coercion of the accused,” “insulting language,” “leading or deceptive questions,” and “questions unrelated to the charge” during interrogation and provides that statements resulting from compulsion or coercion lack validity (Khaleghi, 2022). The significance of Article 60 lies in the fact that the Iranian legislature is concerned not only with “torture” in its severe form but also with more subtle forms of contamination in the process by which statements are produced. A leading or deceptive question may not involve physical violence, but it can impair the accused’s “volition” and “freedom of expression” and thereby diminish the evidentiary value of the resulting statement. This reflects the same legal logic found in comparative theories of evidentiary invalidity: physical torture is not the sole criterion; procedural or psychological violations may likewise render the process of producing evidence illegitimate (Khaleghi, 2022; Moazenzadegan & Soheil-Moghaddam, 2016).

Article 169 of the Islamic Penal Code similarly provides a complementary and highly significant rule: a confession obtained through coercion, compulsion, torture, or psychological or physical abuse is devoid of evidentiary value and validity, and the court is required to conduct a renewed examination of the accused (Goldouzian, 2017). This provision conveys three fundamental propositions. First, it extends invalidity beyond physical torture to include psychological abuse. Second, it establishes invalidity as having a direct effect on the legitimacy of the judicial decision because the court is prohibited from relying on such a confession. Third, it provides a remedial mechanism by creating a “procedural duty” requiring renewed investigation. In this sense, Article 169 forms a bridge between a constitutional command and the practical course of

adjudication, preventing the court from terminating a case on the basis of a contaminated confession and instead requiring it to pursue a legitimate avenue for establishing the facts (Goldouzian, 2017).

Alongside the Constitution and criminal legislation, another important legislative instrument within the Iranian legal framework must not be overlooked in analyzing evidentiary invalidity: the Law on Respect for Legitimate Freedoms and the Protection of Citizens' Rights, adopted in 2004. Through a public-policy orientation toward protecting defendants' rights and controlling the conduct of law-enforcement officials, this legislation establishes behavioral and supervisory obligations and thereby creates a bridge between the level of "constitutional rights" and the level of "executive conduct" (Khaleghi, 2022). The key point is that this legislation does not necessarily speak expressly of the "exclusion of evidence" in every circumstance, but it provides a normative framework through which the illegitimacy of evidence resulting from serious violations of citizens' rights may be argued. In particular, where violations are so serious as to undermine the fairness of investigation, interrogation, or evidence gathering, admission of the resulting evidence would be incompatible with the rights-oriented legislative policy embodied in this law and with the logic of judicial legitimacy (Khaleghi, 2022). For purposes of the present study, reference to this legislation has two clear advantages: first, it demonstrates that the Iranian legal system has not confined itself to a general prohibition but has also reflected a rights-oriented criminal policy in legislative form; second, it provides a basis for arguing that a judgment founded on evidence obtained through serious violations of citizens' rights may remain vulnerable from the perspectives of "procedural legitimacy" and "institutional legitimacy," even where no express statutory rule mandates exclusion.

Nevertheless, an important issue in Iranian scholarship concerns whether it is possible to speak of an "Exclusionary Rule" in Iran as a general and coherent rule. Comparative studies have observed that the Iranian Code of Criminal Procedure contains no comprehensive and explicit rule governing the exclusion of unlawfully obtained evidence comparable to the U.S. model; instead, such a rule must generally be inferred implicitly from dispersed statutory provisions (Ghiasi, 2016; Moazenzadegan & Soheil-Moghaddam, 2016). This proposition is strategically important to the present research because it takes the inquiry directly to the point requiring analytical resolution: if there is no clear general rule, can evidentiary invalidity nevertheless be addressed systematically? A defensible answer is affirmative. The "hard core" of the rule exists expressly in the Constitution, the Islamic Penal Code, and the Code of Criminal Procedure, while in other areas analytical standards can be developed by relying on the principle of lawful evidence gathering, citizens' rights, and the right of defense. Such standards prevent the issue from being reduced merely to "sanctioning the offending official" and instead require attention to the evidentiary effects of the violation itself (Halalkhor Mirkala et al., 2020).

A significant structural distinction therefore appears in Iranian law and must be emphasized for comparative purposes: the distinction between the "validity of evidence" and the "invalidity of investigative proceedings." In some cases, the Iranian legal system responds to procedural violations not necessarily through immediate exclusion of the evidence, but through mechanisms such as "invalidity of investigative proceedings," "deficiency of investigation," or "reversal of the judgment" at higher judicial levels. Iranian scholarship has also examined this relationship between evidence gathering and invalidity of investigations and has shown that failure to observe principles governing evidence acquisition may provide grounds for reversal of a judgment (Halalkhor Mirkala et al., 2020). Consequently, control of unlawfully obtained evidence may operate through somewhat different mechanisms in Iran than in the United States. In the United States, "exclusion of evidence" is the classical mechanism for controlling police conduct, whereas in Iran control may be achieved through the "invalidity of a coerced confession," the "court's duty to conduct a renewed investigation," or "reversal of the judgment." This structural difference demonstrates that comparison should not be confined to statutory texts; rather, it should operate at the level of "mechanisms for controlling legitimacy."

For the Iranian analysis to be sufficiently comprehensive and defensible, it must also be emphasized that evidentiary invalidity is not confined to confessions. Contemporary scholarship addresses a broad spectrum of unlawful methods of obtaining evidence, ranging from threats, deception, and inducement to unlawful methods of obtaining documents or personal data. Recognition of this broader scope enables the study to demonstrate that "unlawful evidence gathering" is not a single-issue concept but rather a network of situations whose relationship with the right of defense and the legitimacy of judicial decisions must be evaluated (Ghiasi, 2016). Moreover, recent discussions of the "probative value" of unlawfully obtained evidence indicate that Iranian scholarship is gradually moving from merely describing legal provisions toward the development

of evaluative criteria. The central question increasingly becomes which violations are substantial, which are procedural or remediable, and how the effect of each should be conceptualized in relation to the legitimacy of the judgment (Ghiasi, 2016).

In light of the foregoing, three layers of evidentiary invalidity may be identified in Iranian law, each of which has direct implications for the legitimacy of judicial decisions. The first is the “hard and non-negotiable core,” in which the Constitution and ordinary legislation expressly declare evidence invalid, such as in cases involving torture, coercion, or physical or psychological abuse in obtaining a confession (Nekounam, 2021). Within this domain, a judgment based on such evidence loses both its legal and procedural legitimacy. The second layer is that of the “governing principle,” in which Iranian scholarship recognizes the principles of lawful evidence gathering and legality of evidence as guiding norms and demonstrates that even in cases of legislative silence, an inferential and analytical framework can be constructed for evaluating evidentiary legitimacy (Halalkhor Mirkala et al., 2020). The third layer consists of the “absence of general analytical criteria in non-explicit areas,” where the applicable rules are dispersed and where the presumption of evidentiary validity or the mere sanctioning of the official may replace analysis of the effect of the violation on probative value (Ghiasi, 2016; Moazenzadegan & Soheil-Moghaddam, 2016). It is precisely at this third level that comparative research becomes meaningful. The U.S. experience demonstrates that multi-stage analytical mechanisms can be used to assess the relationship between the violation and the evidence, distinguish degrees of illegality, and reach a decision that neither destroys procedural efficiency nor sacrifices the legitimacy of the judicial decision. This therefore provides the bridge to Section 3: the comparison must move beyond the question of “having or not having a rule” and instead examine the “gradation of violations and their effects on judicial legitimacy,” because Iranian law already possesses constitutional and governing principles capable of supporting such development (Halalkhor Mirkala et al., 2020).

3. Development and Logic of the Exclusionary Rule in the United States and Its Relationship with the Legitimacy of Judicial Decisions

For purposes of comparison with Iran, it is first necessary to understand how and why the “Exclusionary Rule” developed in the United States. The defining characteristic of the U.S. system is that the Exclusionary Rule was not the product of an explicit, pre-enacted statutory rule, but rather the result of judicial interpretation of the Constitution—particularly the Fourth Amendment—and its connection with the logic of fair criminal procedure. Consequently, its scope, mechanisms of application, and even its exceptions have developed primarily through judicial precedent, transforming the rule into a dynamic institution of criminal justice policy (Dressler & Thomas, 2022; LaFave, 2020). In other words, whereas in Iran the hard core of the invalidity of certain forms of evidence can be identified directly in constitutional and statutory texts, the “birth” of the U.S. Exclusionary Rule originated in a fundamental question: if the police violate the Constitution, what should the court do with the resulting “evidence”?

The Fourth Amendment to the U.S. Constitution protects individuals against “unreasonable searches and seizures” and conditions the issuance of search warrants on probable cause and particularized descriptions of the place to be searched and the persons or things to be seized. Initially, however, this guarantee lacked a clear evidentiary sanction; that is, the Constitution itself did not expressly state that the product of an unlawful search or seizure was inadmissible in court. It was precisely this gap that elevated the issue from the level of “police conduct” to the level of “judicial legitimacy.” If a court admits evidence obtained in violation of the Fourth Amendment, does it not effectively render constitutional rights hollow and ineffectual? Does the judiciary not thereby “benefit from the violation”? And does such institutional benefit not undermine the legitimacy of the court itself? (LaFave, 2020)

The Supreme Court’s historical response emerged in *Weeks v. United States* (1914), in which the Court held that evidence obtained through unlawful search and seizure was inadmissible in federal proceedings (LaFave, 2020). The logic of *Weeks* was not merely the protection of a particular defendant in an individual case; it concerned preservation of the “authority of the Constitution within the courtroom.” If courts permit the government to produce evidence through constitutional violations and then use that same evidence as the basis for conviction, the judiciary itself becomes implicated in the cycle of illegality. *Weeks* should therefore be regarded as the first major point at which the “legitimacy of the judicial decision” became linked with the

“legitimacy of the method by which evidence was obtained”: a decision founded on evidence obtained in violation of constitutional rights may facilitate truth discovery, but its institutional legitimacy is nevertheless impaired (LaFave, 2020).

For decades after *Weeks*, however, the Exclusionary Rule applied primarily in federal cases, and the states were not necessarily required to follow it. This produced an important consequence: evidence excluded in federal court could potentially be admitted in a state court, creating a dual system capable of producing inconsistent standards of criminal justice. The turning point occurred in *Mapp v. Ohio* (1961), when the Supreme Court applied the Exclusionary Rule to the states and held that evidence obtained in violation of the Fourth Amendment could not be admitted in state criminal proceedings (Kamisar et al., 2020). The significance of *Mapp* for the present analysis lies in its transformation of the Exclusionary Rule from a federal mechanism into a national standard of procedural legitimacy. If the State were permitted to use evidence derived from constitutional violations, constitutional guarantees would be reduced to ineffective promises (LaFave, 2020). *Mapp* therefore did more than expand the territorial reach of the rule; it elevated it to a level at which the “legitimacy of criminal justice” throughout the country became linked to a common constitutional standard (Dressler & Thomas, 2022).

Following the consolidation of *Weeks* and *Mapp*, the next theoretical question concerned the precise rationale underlying the Exclusionary Rule. U.S. legal scholarship has developed two principal justifications. The first is “judicial integrity,” according to which courts should not benefit from constitutional violations, because admitting such evidence undermines the integrity of the judicial process. The second is “deterrence,” according to which exclusion discourages police officers and investigative institutions from violating constitutional rights (Dressler & Thomas, 2022). In more recent periods, however, the Supreme Court has increasingly emphasized the deterrence rationale, conceptualizing the Exclusionary Rule not as an absolute personal right of the defendant but as a policy instrument for reducing future constitutional violations (LaFave, 2020). This change in perspective is particularly important because if exclusion is regarded as an “absolute right,” exceptions become difficult to justify; if it is understood instead as a “deterrence mechanism,” exceptions may be recognized where exclusion would produce little meaningful deterrence. This development provided the conceptual foundation for subsequent doctrinal evolution and the emergence of exceptions (Dressler & Thomas, 2022).

It was within this evolutionary process that the “Fruit of the Poisonous Tree” doctrine emerged, extending the scope of exclusion from “primary evidence” to “derivative evidence.” Through decisions such as *Silverthorne Lumber Co. v. United States* (1920) and later *Nardone v. United States* (1939), the Supreme Court strengthened the principle that when the original source of evidence is unlawful, secondary evidentiary products derived from that source may likewise be tainted (LaFave, 2020). The significance of this doctrine for the legitimacy of judicial decisions is clear: if a court excludes only the primary evidence but permits derivative evidence to enter the case, the constitutional prohibition may effectively be circumvented, allowing the original violation to continue exerting its influence through a chain of ostensibly lawful evidence. Under such circumstances, the legitimacy of the judgment would be more apparent than real (Dressler & Thomas, 2022).

Thus, the U.S. analysis to this point yields a central proposition for the comparative inquiry: the Exclusionary Rule is not a “merely procedural rule,” but a mechanism designed to preserve the authority of the Constitution within judicial proceedings and prevent institutional benefit from violations of fundamental rights. Consequently, the legitimacy of judicial decisions in the United States has become structurally dependent upon the legitimacy of the process through which evidence is obtained, although the mechanisms implementing that dependency have developed through judicial precedent and policy-oriented analysis (Dressler & Thomas, 2022; LaFave, 2020). This conclusion provides a direct bridge to the following section, because the relationship between judicial legitimacy, causation, and exceptions reaches its most sophisticated form in the Fruit of the Poisonous Tree doctrine and its related analytical tests.

4. An In-Depth Analysis of the Fruit of the Poisonous Tree Doctrine, Causation Tests, Procedural Exceptions, and Their Effects on the Legitimacy of Judicial Decisions in the U.S. System

If the previous section demonstrated how the Exclusionary Rule emerged from interpretation of the Fourth Amendment and, through *Weeks* and *Mapp*, developed into a national standard of procedural legitimacy, the present section must explain how the U.S. system moved beyond the “exclusion of primary evidence” toward a framework requiring courts to analyze the relationship between an initial violation and subsequently obtained evidence. At this stage, evidentiary invalidity in U.S. law

becomes a multi-stage analytical system. The court does not simply conclude that “this evidence was unlawfully obtained and must therefore be excluded”; instead, it examines how the violation occurred, the chain of causation, whether the effects of the violation extended to secondary evidence, and ultimately whether exclusion would produce meaningful deterrence (Dressler & Thomas, 2022; LaFave, 2020).

The Fruit of the Poisonous Tree doctrine developed precisely in response to the following question: if the police obtain a lead through a violation of the Fourth Amendment or another fundamental constitutional guarantee and subsequently use that lead to obtain additional evidence, must the secondary evidence also be excluded? In *Silverthorne Lumber Co. v. United States* (1920) and later *Nardone v. United States* (1939), the Supreme Court progressively established the principle that contamination of the primary evidence may extend to derivative evidence, because otherwise constitutional prohibitions could effectively be circumvented (LaFave, 2020). Through the metaphor of the “poisonous tree,” the doctrine expresses a straightforward legal proposition: where the source producing evidence is unlawful, products nourished by that source are likewise vulnerable to illegitimacy. The principal difficulty, however, is that in practice the strength of the relationship between the original violation and the secondary evidence is not always clear. This uncertainty led courts to develop causation-based analytical tests (Dressler & Thomas, 2022).

In determining whether secondary evidence constitutes the “fruit” of the original violation, U.S. jurisprudence has effectively emphasized three analytical dimensions. The first is “direct causation”: where the secondary evidence would not have been discovered without the initial violation, or where the violation played a decisive role in producing it, the taint is regarded as strong and exclusion becomes more justifiable (LaFave, 2020). The second is the “attenuation doctrine”: in some cases, the Supreme Court has recognized that factors such as temporal distance, voluntary intervention by a third party, or independent intervening events may weaken the relationship between the violation and the evidence to such an extent that the evidence can no longer properly be considered the product of the illegality; in such circumstances, admission may be permitted (Dressler & Thomas, 2022). The third is the “logic of deterrence”: in more recent jurisprudence, the Court has held that exclusion should operate where it produces meaningful deterrence. Where exclusion offers little deterrent benefit but imposes substantial social costs, it may be rejected (LaFave, 2020). These three dimensions demonstrate that evidentiary invalidity in U.S. law is not an “all-or-nothing” determination, but rather the product of a multilayered analysis balancing rights, efficiency, and institutional legitimacy.

Within this framework, important procedural exceptions developed, particularly during the 1980s, when the Supreme Court increasingly relied on deterrence theory to distinguish deliberate constitutional violations from conduct based on reasonable error. The “Good Faith Exception,” developed in *United States v. Leon* (1984), provides that where officers reasonably rely on a judicial warrant, exclusion is not necessarily warranted even if the warrant is subsequently found defective. The rationale is that the Exclusionary Rule is not primarily intended to punish judges or reasonable mistakes but to constrain unlawful and institutionally negligent conduct (Dressler & Thomas, 2022; LaFave, 2020). From the perspective of judicial legitimacy, this exception creates a nuanced situation: a judgment may rely on evidence originating from a defective warrant, yet the Court reasons that where law-enforcement officers relied on the warrant reasonably, exclusion would have little deterrent value while potentially imposing significant social costs on criminal justice (LaFave, 2020). This reasoning illustrates that the legitimacy of judicial decisions in the United States is linked not only to “procedural integrity” but also to an assessment of deterrent effects.

Another important exception is “Inevitable Discovery,” consolidated in *Nix v. Williams* (1984). Under this exception, if the prosecution can establish that the disputed evidence would inevitably have been discovered through an independent and lawful process, exclusion is unnecessary because it would produce no distinctive deterrent benefit and would merely interfere with substantive justice (Dressler & Thomas, 2022). At the level of judicial legitimacy, this exception has a specific rationale: the Court seeks to distinguish between a “procedural violation” and a “result that would independently have been obtained,” thereby preventing the Exclusionary Rule from becoming an instrument capable of unnecessarily paralyzing criminal justice (LaFave, 2020).

The “Independent Source Doctrine” likewise plays a critical role. Where evidence is obtained from a genuinely independent and lawful source, the taint arising from an earlier violation does not necessarily extend to it because the causal connection has

been severed or substantially weakened (Dressler & Thomas, 2022). The importance of this doctrine for comparative analysis lies in its demonstration that “causation” is central to U.S. judicial decision-making: the court asks whether the evidence is actually a product of the violation, and if it is not, exclusion does not serve the deterrence objective. This emphasis on causation and deterrent effect has transformed the Exclusionary Rule into a flexible analytical mechanism (LaFave, 2020).

When the Exclusionary Rule and its exceptions are considered together, it may be argued that the legitimacy of judicial decisions in the U.S. system rests on three foundations: first, “procedural integrity,” which prevents the court from benefiting from constitutional violations; second, “institutional deterrence,” which conceptualizes exclusion as an instrument for preventing future violations; and third, “balance with efficiency,” through which exceptions prevent the rule from causing serious disruption to the functioning of criminal justice (Dressler & Thomas, 2022; LaFave, 2020). This triad is strategically important for the present research because it enables the comparative analysis to demonstrate that Iranian law also contains recognizable commitments to “procedural integrity,” protection of human dignity and defense rights, and avoidance of defective judgments through the invalidation of compromised investigations, while the systematic structuring of these considerations through precise causation tests and procedural exceptions is less developed than in the United States (Halalkhor Mirkala et al., 2020; LaFave, 2020).

The conclusion of this section is therefore that the Fruit of the Poisonous Tree doctrine prevented circumvention of constitutional protections by extending exclusion from primary evidence to derivative evidence. At the same time, exceptions such as good faith, inevitable discovery, and independent source moved the Exclusionary Rule away from absolutism and placed it within a criminal-policy framework balancing deterrence and efficiency. Accordingly, the legitimacy of judicial decisions in the United States is not secured through the unconditional exclusion of all unlawfully obtained evidence, but through a multi-stage analysis of causation, the seriousness of the violation, and deterrent effect (Dressler & Thomas, 2022; LaFave, 2020). This conclusion provides the most appropriate foundation for Section 5, in which the comparative analysis must demonstrate that the principal difference between Iran and the United States lies in their respective “decision-making architectures” and the degree to which their governing criteria have been systematized.

5. An In-Depth Structural Comparison of Iran and the United States Regarding the Invalidity/Exclusion of Evidence, with Emphasis on the Legitimacy of Judicial Decisions

If the preceding three sections clarified the statutory and normative foundations of Iranian law on the one hand and the development and logic of the U.S. Exclusionary Rule on the other, the distinction between a doctoral-level analysis and a merely descriptive account now becomes apparent in the “structural comparison.” Rather than simply stating that “the United States has an Exclusionary Rule whereas Iranian rules are dispersed,” it is necessary to demonstrate how the architecture of judicial decision-making concerning unlawfully obtained evidence is constructed in each system, which factors it simultaneously evaluates, and why these differing architectures ultimately produce two distinct models of the “legitimacy of judicial decisions.” Iranian scholarship has expressly recognized this need. Some analyses maintain that Iranian law frequently directs its legal response toward “sanctioning the person who obtained the evidence” and that unlawful acquisition does not necessarily result in “the disappearance of the evidentiary value of the evidence itself,” whereas in many Western legal systems unlawful acquisition may directly result in evidentiary invalidity and inadmissibility before the court. Conversely, studies of the jurisprudential and legal principles governing evidence acquisition demonstrate that Iranian criminal law contains sufficient normative material within the “principle of lawful evidence gathering” and related principles—including the presumption of innocence, legality of evidence, and free evaluation of evidence—to construct an analytical framework capable of translating dispersed rules into coherent and defensible judicial decision-making (Ghiasi, 2016; Halalkhor Mirkala et al., 2020).

To make this comparison analytically robust, it can be organized around five axes: normative basis and philosophy, scope, legal consequences, exceptions and flexibility, and finally judicial decision-making criteria and their direct effect on the legitimacy of the judgment. Importantly, these five axes effectively constitute the “building blocks of judicial legitimacy.” Legitimacy is not merely the product of the outcome; it is the product of the relationship among normative foundations, scope, sanctions, and the logic of decision-making.

Under the first axis—the normative basis and philosophy of the rule—a fundamental difference between the two systems becomes evident. In the United States, the Exclusionary Rule emerged from judicial interpretation of constitutional law and is justified primarily through “institutional deterrence” and, to some extent, “judicial integrity.” The court should not benefit from constitutional violations, and exclusion should both discourage future violations and preserve the practical authority of constitutional norms (Dressler & Thomas, 2022; LaFave, 2020). This foundation subsequently explains why the U.S. rule becomes “subject to exceptions”: if its principal purpose is deterrence, the policy rationale for recognizing exceptions becomes stronger where exclusion would produce little deterrent effect or where its social costs would be exceptionally high. The starting point in Iran is different. Its principal foundation is human dignity, the prohibition of coercion and torture, and the “legitimacy of the means” by which evidence is obtained. Article 38 of the Constitution expressly denies evidentiary value to confessions, testimony, and oaths obtained through torture or compulsion, which means that the underlying philosophy begins from “fundamental rights and dignity” rather than a “deterrence calculation.” Ordinary legislation reinforces the same logic. Consequently, within the Iranian architecture, areas such as torture and coercion naturally tend toward “absolute invalidity,” whereas the U.S. model—even while accepting exclusion as a general principle—may subsequently regulate its application through deterrence-based balancing (LaFave, 2020).

This foundational difference is translated into practice under the second axis, namely the scope of the rule. In the United States, the Exclusionary Rule was linked from the outset to constitutional violations, particularly violations of the Fourth Amendment, and was subsequently extended to derivative evidence through the Fruit of the Poisonous Tree doctrine. Thus, the U.S. system does not consider only the initial evidence; it also examines the causal chain and the transmission of taint in order to prevent investigative authorities from using an initial illegality to construct a network of evidence that can ultimately be introduced at trial (Dressler & Thomas, 2022; LaFave, 2020). In Iran, the scope of evidentiary invalidity is clear and explicit within the “hard core.” The classic example is a coerced or torture-induced confession, which both constitutional and statutory law regard as invalid. The more difficult question arises in relation to derivative evidence and investigative leads obtained through violations that are not expressly regulated. If an initial lead is obtained unlawfully and subsequently produces additional evidence, should the later evidence also be considered tainted? Iranian scholarship offers two prominent approaches. The first, sometimes characterized as the “theory of statutory exclusion,” presumes evidence to be valid unless legislation expressly declares it invalid; in practical terms, this approach limits invalidity to “explicit statutory provisions.” The second approach argues, particularly on the basis of Islamic legal reasoning and fundamental rights, that unlawfully obtained evidence should in many situations be excluded and that merely sanctioning the person who obtained it is insufficient, because otherwise the principle of lawful evidence gathering would be deprived of practical effect (Akrami, 2021; Ghiasi, 2016). Consequently, the Iranian architecture contains two levels of scope: an explicit level constituting the hard core, and an inferential or expandable level covering areas not expressly regulated. This dual structure is precisely what creates the need for the proposed model developed in subsequent sections: criteria are required for determining when absolute invalidity should apply and when relative invalidity, reduced probative value, or invalidation of investigative proceedings is more appropriate.

The third axis concerns legal consequences, and it is here that differences in the “mode of control” become even more apparent. In the United States, the classical consequence is “exclusion from trial”: the evidence is removed from the judicial fact-finding process and the prosecution may not rely on it. A natural consequence is that where the excluded evidence is essential, the prosecution’s case may collapse and an acquittal may follow; the severity of this result contributes to the rule’s deterrent force (LaFave, 2020). In Iran, legal consequences are “multi-layered” and sometimes “dispersed.” On the one hand, certain evidence is directly invalidated, such as coerced confessions and statements resulting from compulsion. On the other hand, control mechanisms may take the form of “reversal of the judgment,” “invalidity of investigative proceedings,” or a “duty to conduct renewed investigation,” while disciplinary or criminal responsibility may also attach to the offending officer or authority. Iranian analysis has emphasized precisely this point: in many circumstances, violation of governing principles does not culminate in the “invalidation of the evidence itself,” and the legal response may instead be directed toward the person who obtained the evidence or toward a later stage of proceedings, such as appellate reversal (Ghiasi, 2016). An important point for the present study is that this situation should not simply be characterized as a “weakness.” Structurally, Iran often exercises “legitimacy control” through a broader variety of mechanisms than direct exclusion. The problem is that these mechanisms

have not been consolidated within a single and transparent analytical test, allowing inconsistent decisions to emerge and thereby rendering procedural legitimacy more vulnerable.

The fourth axis—exceptions and flexibility—is directly connected with the underlying philosophy. In the United States, because the Exclusionary Rule has increasingly been conceptualized through the logic of deterrence, exceptions form an inherent part of its structure. Good faith, inevitable discovery, independent source, and attenuation all demonstrate that exclusion is not invariably the decisive response but depends upon an assessment of deterrent effect and social cost (Dressler & Thomas, 2022; LaFave, 2020). In Iran, exceptions are generally weak within the “hard core,” such as torture and coercion, because the normative foundation lies in human dignity and an absolute prohibition of compulsion. In areas not expressly regulated, however, “flexibility” tends to emerge not through systematic exceptions but through text-centered interpretation, case-specific judicial discretion, or divergent judicial practice. The theory according to which evidence is presumed valid unless a statute expressly declares it invalid is particularly relevant here. Rather than producing clearly articulated exceptions, such an approach creates an “implicit boundary” within which courts may take a violation seriously without necessarily translating it into exclusion. The defensible argument is therefore that the difference between Iran and the United States does not lie merely in Iran having “fewer exceptions,” but in the absence of “test-based exceptions” and their replacement by dispersed judicial determinations. The appropriate solution is not to import U.S.-style exceptions, but to construct domestic analytical criteria capable of disciplining judicial discretion.

The fifth axis—judicial decision-making criteria and their effects on legitimacy—is where all preceding dimensions converge. In the United States, the decision to exclude or admit evidence commonly involves a multi-stage inquiry concerning the type of violation, causal relationship, degree of attenuation, deterrent effect, and social cost of exclusion. In this sense, judicial legitimacy in U.S. law is constructed through a form of “constitutional-policy analysis”: the court must demonstrate that its decision both safeguards the Constitution and avoids unnecessarily paralyzing criminal justice (LaFave, 2020). In Iran, judicial decision-making commonly follows two pathways. The first is “text-centered”: where the Constitution or ordinary legislation expressly declares evidence invalid, the legal path is clear. The second is the presumption of validity unless invalidity is expressly prescribed, which may cause some courts, in situations of legislative silence, to admit the evidence and transfer the legal response to the level of sanctioning the official or to subsequent stages of proceedings. Iranian scholarship has nevertheless attempted to move this duality toward a more coherent “analytical rule.” Research on the foundations of evidentiary invalidity in Iranian and U.S. law expressly recognizes the important role of exclusion in guaranteeing defense rights while noting that Iranian law has not clearly embraced such a general rule. At the normative level, it may be justified both individually, through protection of the defendant, and collectively, through improving the quality of proceedings and the institutional performance of the judiciary (Rahgoshai, 2022). This point is particularly significant because the present study conceptualizes the “legitimacy of judicial decisions” on both legal and procedural/institutional levels. Iranian jurisprudential scholarship concerning reliance on unlawfully obtained evidence further demonstrates that the issue is not merely an imported doctrine but can be analyzed domestically through concepts such as judicial conviction and rules of proof, confirming that there is theoretical capacity for constructing appropriate criteria (Nekounam, 2021).

The structural synthesis of these five axes makes their direct effect on judicial legitimacy clear. In the United States, legitimacy is the product of “procedural integrity + deterrence analysis + causation testing.” A judicial decision is therefore regarded as legitimate when the court can explain why exclusion or non-exclusion of the evidence is consistent both with constitutional protection and with defensible criminal justice policy (LaFave, 2020). In Iran, legitimacy is particularly strong within the hard core because the Constitution and ordinary legislation expressly invalidate evidence in circumstances such as torture and coercion, and a judgment based on such evidence therefore faces a constitutional legitimacy crisis. In areas not expressly regulated, however, the principal risk is “instability of criteria.” If courts restrict themselves entirely to explicit texts or rely on a general presumption of evidentiary validity without incorporating citizens’ rights and defense rights into their reasoning, the procedural legitimacy of judicial decisions—including the reliability and predictability of legal standards—is weakened. It is precisely at this point that the proposed model distinguishing absolute from relative invalidity and applying the criterion of a “substantial violation of the right of defense” acquires significance as both a scientific and policy-oriented solution (Ghiasi, 2016; Nekounam, 2021).

For purposes of clear presentation, this section may be summarized through a “conceptual matrix.” In the United States, the primary foundation is institutional deterrence, which produces test-based decision-making and systematic exceptions. In Iran, the principal foundations are human dignity and legitimacy of the evidentiary method, producing explicit invalidity within the hard core and uncertainty or dispersion in areas not expressly regulated. In the United States, the principal sanction is direct exclusion, and judicial legitimacy is constructed through policy-oriented analysis. In Iran, sanctions are multi-layered; legitimacy is strong at the core but requires more coherent criteria at the margins. This conclusion provides a natural bridge to the following section: Section 6 must convert the structural comparison into “practical instruments,” namely multidimensional comparative frameworks, decision-making criteria for Iranian judges, and illustrative treatment of common scenarios such as coerced confessions, search and seizure, interception, and communications data, thereby moving the analysis from the theoretical to the practical level.

6. An Operational Model for Judicial Decision-Making Concerning the Invalidity of Evidence in Iranian Law, with Controlled Inspiration from the U.S. Experience

Following the structural comparison of Iran and the United States in Section 5, the next step in a doctoral-level study is to move the analysis from the level of “describing differences” to that of “constructing a decision-making instrument.” The central question is therefore what operational model can be proposed for Iranian law—particularly in areas not expressly regulated—that is compatible with constitutional principles and domestic legislation while also capable of producing reasoned and reviewable judicial decisions in actual cases. This section accordingly develops a multi-stage operational model that, on the one hand, preserves the Iranian “hard core” prohibiting torture and coercion and, on the other hand, draws—without reproducing U.S. exceptions—on the logic of “test-based adjudication” in order to classify violations and structure judicial discretion in non-explicit areas (Dressler & Thomas, 2022; Goldouzian, 2017; Khaleghi, 2022; LaFave, 2020). The central premise of the model is that the legitimacy of a judicial decision does not arise merely from its result, whether conviction or acquittal, but depends directly on the legitimacy of the process through which evidence was obtained and the transparency of the court’s reasoning in admitting, excluding, or reducing the probative value of that evidence. A legitimate judgment is therefore one founded on “reliable evidence” and accompanied by legal reasoning regarding its admission or exclusion that remains open to evaluation and judicial review (LaFave, 2020).

The proposed model consists of a “five-stage process for evaluating the legitimacy of evidence.” At the first stage, the judge must identify the nature of the violation and classify it within one of three categories. The first category consists of violations involving human dignity and absolute prohibitions, including torture, compulsion, coercion, and physical or psychological abuse for the purpose of obtaining a confession or information. In this domain, Iranian law expressly recognizes evidentiary invalidity: constitutional and statutory rules deny evidentiary value to statements or confessions obtained through such methods and require lawful renewed investigation (Goldouzian, 2017; Khaleghi, 2022). The practical consequence under the proposed model is therefore clear: “conclusive invalidity/absolute invalidity.” Such evidence should not serve as a basis for judicial conviction, and admitting it fundamentally undermines both the legal and procedural legitimacy of the judgment because the court would thereby benefit from a violation of human dignity (Halalkhor Mirkala et al., 2020; Nekounam, 2021).

The second category consists of violations involving privacy and statutory requirements governing evidence acquisition, including interception, access to communications data, or search and seizure conducted without full compliance with statutory requirements or beyond the scope of valid authorization. In this area, constitutional protection of communications and privacy provides the fundamental basis of control (Khaleghi, 2022). Although legislation may not expressly require “exclusion” in every such case, constitutional logic requires the court to examine the seriousness of the violation and its effect on defense rights, procedural integrity, and evidentiary reliability, particularly in digital cases in which the boundary between truth discovery and intrusion into privacy may be exceptionally narrow (Nekounam, 2021). The third category consists of formal or administrative violations occurring during investigation, such as defects in official records, failure to observe non-substantive formalities, or procedural errors that do not necessarily rise to the level of violations of human dignity. The consequence in this category is likewise not predetermined; instead, the court must assess the actual effect of the defect on effective defense and the impartiality of the proceedings (Ghiasi, 2016; Halalkhor Mirkala et al., 2020).

At the second stage, the central criterion is the “effect of the violation on the right of defense, freedom of will, and reliability of the evidence.” The court must determine whether the method of obtaining the evidence deprived the accused of effective defense, whether free will was impaired, and whether the evidence was produced in a manner that undermines its legal and epistemic reliability. Iranian scholarship concerning the governing principles of evidence acquisition demonstrates that unlawful evidence gathering is not merely inconsistent with human dignity and fair trial guarantees; it may also contaminate the foundation of judicial conviction and thereby diminish the legitimacy of the judgment (Halalkhor Mirkala et al., 2020). At this stage, where the effect of the violation on the right of defense is found to be “substantial,” the model moves toward exclusion or at least severe restriction of the evidence’s probative value. Where the effect is minor and non-prejudicial, however, remedial measures or heightened evidentiary scrutiny may remain available (Ghiasi, 2016).

The third stage consists of “analyzing the relationship between the violation and the evidence.” This represents controlled inspiration from the logic of causation and transmission of taint in U.S. doctrine without importing the U.S. deterrence rationale or its exceptions into Iranian law. The question is whether the evidence relied upon is directly the product of the violation and would not have been obtained without it; whether the same evidence could have been lawfully acquired through an independent route; or whether subsequent factors intervened in a manner that weakened the relationship between the violation and the evidence. This analysis can assist Iranian courts in reaching more consistent decisions concerning derivative evidence or evidence obtained from “tainted leads,” thereby moving beyond a simplistic dichotomy of “an express statutory rule exists/does not exist” (LaFave, 2020). The significance of this stage for judicial legitimacy is that where the relationship between the violation and the evidence is direct and determinative, admission may effectively legitimize the initial violation. Conversely, where the evidence can genuinely be established through an independent and lawful source, careful reasoning may avoid unnecessarily reducing procedural efficiency without depriving constitutional principles of practical effect (LaFave, 2020).

The fourth stage involves grading the “seriousness of the violation” and evaluating the possibility of “procedural remediation.” Unlike the U.S. system, which sometimes employs the language of cost-benefit analysis and deterrence, Iranian law contains a domestic statutory foundation for remedial action: the requirement of renewed investigation in relation to an invalid confession demonstrates that Iranian law already recognizes an internal corrective mechanism (Goldouzian, 2017). This logic may be extended analytically to areas not expressly regulated. Where evidence can be obtained through a lawful method, the court should prefer the legitimate route so that the judgment is not founded on questionable material and the legitimacy of the decision is preserved. At this stage, the seriousness of the violation is also relevant. Deliberate and substantial violations of fundamental rights—for example, clear intrusion into privacy without authorization or beyond the scope of authorization—should attract a stricter response because admission of the resulting evidence may communicate a message of “judicial tolerance toward constitutional violations” and thereby weaken public confidence (Halalkhor Mirkala et al., 2020). By contrast, minor violations that do not affect defense rights may, instead of producing absolute exclusion, be addressed through mechanisms such as stricter evidentiary evaluation, supplementary investigation, or reliance on independent evidence (Ghiasi, 2016).

The fifth stage concerns “reasoned judicial justification within the judgment,” a stage directly connected with the legitimacy of judicial decision-making. The court should clearly explain why it admitted or excluded the evidence, identify the legal principle or statutory basis for its conclusion, explain how it assessed the effect of the violation on defense rights and procedural integrity, and justify why the selected response—exclusion, invalidation, reduction of probative value, or remediation—is consistent with constitutional law, rights-oriented legislative policy, and procedural justice (Khaleghi, 2022). It is this structured reasoning that transforms a judgment from a “case-specific decision” into a “reviewable and reliable decision” and strengthens the institutional legitimacy of the court in the eyes of both the public and higher judicial authorities (LaFave, 2020).

To make this model suitable for scholarly presentation and practical application, a multidimensional comparative table may be used to demonstrate how each analytical axis translates into judicial decision-making. Within such a framework, the normative basis in Iran rests on human dignity and the legitimacy of evidentiary methods, whereas in the United States it rests on constitutional interpretation and institutional deterrence. The principal focus of control in Iran remains confessions and other expressly regulated areas, whereas U.S. law extends analysis to both primary and derivative evidence through causation tests. The U.S. sanction principally takes the form of direct exclusion from court, whereas Iran employs a combination of case-

specific invalidity, possible reversal of judgments or invalidity of investigative proceedings, and remediation. U.S. exceptions are systematically structured, while Iranian flexibility is less systematized and often depends on case-specific determination. Finally, U.S. decision-making is generally test-based and multi-stage, whereas Iranian decision-making remains predominantly text-centered despite scholarly efforts to derive broader governing principles (Dressler & Thomas, 2022; Ghiasi, 2016; Halalkhor Mirkala et al., 2020; LaFave, 2020). Such a table can be placed at the beginning of the section and followed by an “operational interpretation” explaining how a judge moves from the normative basis to scope, from scope to legal consequence, and ultimately from the legal consequence to the reasoning of the judgment.

Alongside the model, an operational checklist is also necessary for lawyers and researchers so that, in presenting a defense or criticizing a judicial decision, the proper starting point of judicial reasoning can be identified: What is the source of the evidence—law-enforcement officer, judicial authority, or third party? What was the method of acquisition—interrogation, search, interception, or digital examination? Was there valid legal authorization, and were its limits observed? Are there indications of coercion, leading questions, or deception? What effect did the violation have on effective defense? Is remediation and lawful reacquisition possible? Finally, what is the most appropriate procedural remedy—requesting invalidation or exclusion of the evidence, challenging the validity of the investigative proceedings, or raising the issue on appeal? This checklist demonstrates that the research is not merely theoretical and can be converted into a “decision-making standard” (Halalkhor Mirkala et al., 2020).

To demonstrate the model’s functionality, three common scenarios may be used as test cases. In the first scenario, a confession is obtained during interrogation involving leading or deceptive questioning or severe psychological pressure. Where coercion or compulsion is established, the applicable constitutional and statutory safeguards point toward conclusive or near-absolute invalidity because both the right of defense and the reliability of the evidence have been compromised (Goldouzian, 2017; Khaleghi, 2022). In the second scenario, interception or access to communications data occurs without proper legal authorization. Here, the seriousness of the violation and the direct relationship between the violation and the evidence become crucial. If the entire evidentiary case rests on unlawful interception, admission may create a legitimacy crisis because the court would effectively benefit from the underlying violation (Nekounam, 2021). In the third scenario, a search or seizure contains a procedural defect but results in discovery of physical evidence. The central dispute ordinarily concerns whether the defect was substantive and whether it nullified effective judicial supervision. If it did, exclusion or substantial reduction of probative value may be justified; if the defect was merely formal and had no effect on defense rights, remedial measures and lawful supplementary investigation may be preferable to absolute exclusion (Ghiasi, 2016; Halalkhor Mirkala et al., 2020).

The conclusion of this section is that structural comparison acquires real value for a doctoral study only when it is converted into a “decision model.” The proposed five-stage model, while preserving the Iranian hard core prohibiting torture and coercion, establishes a reviewable analytical path for areas not expressly regulated: identifying the type of violation, assessing its effect on defense rights, analyzing the relationship between the violation and the evidence, grading its seriousness and determining the possibility of remediation, and finally providing reasoned justification within the judgment. The consequence is that, instead of importing U.S. exceptions, Iranian law can develop domestic analytical criteria capable of reducing inconsistency in judicial discretion and strengthening the legitimacy of judgments at both legal and procedural levels (Dressler & Thomas, 2022; Halalkhor Mirkala et al., 2020; LaFave, 2020). This provides the precise bridge to the following section, where the proposed model is further developed through the distinction between absolute and relative invalidity and the criterion of a “substantial violation of the right of defense,” and is translated into legislative and jurisprudential policy recommendations.

7. In-Depth Critical Analysis, Responses to Potential Objections, Theoretical Development of “Absolute/Relative Invalidity,” and Its Relationship with Truth Discovery and the Efficiency of Criminal Justice

At this stage, the analysis must move beyond comparison and model construction and enter the realm of “critical analysis,” which is precisely where the most significant theoretical scrutiny arises. The principal challenges are usually as follows:

- Does the invalidation of evidence obstruct the discovery of truth?
- Does expanding the scope of invalidity paralyze criminal justice?
- Is drawing on the U.S. model compatible with the jurisprudential and legal foundations of Iranian law?

- Where is the boundary between absolute and relative invalidity?
- If unlawfully obtained evidence establishes the truth, why should it be excluded?

This section addresses these objections systematically and analytically while simultaneously developing the proposed theoretical model.

• 1) The Apparent Conflict Between “Truth Discovery” and the “Legitimacy of the Means”

One of the classical criticisms of the Exclusionary Rule in the United States is that excluding otherwise reliable evidence solely because of a procedural violation may result in acquittal of a factually guilty person and thereby undermine substantive justice (LaFave, 2020). Similar concerns have been raised in Iran, where some scholarship maintains that evidence is generally presumed valid and that misconduct by an investigating officer does not necessarily extinguish the evidentiary value of the evidence itself (Akrami, 2021).

The theoretical response is that “truth” in criminal proceedings is not an absolute and abstract concept; rather, it is a legal truth that must be obtained through legitimate means. If the criminal justice system permits any method to be used for discovering the truth, public trust in justice will ultimately collapse, potentially producing broader social instability. The invalidity of evidence is therefore not opposed to truth; rather, it protects the legitimate boundaries within which truth may be discovered (Moazenadegan & Soheil-Moghaddam, 2016).

Iranian constitutional law draws precisely this boundary. Even where a confession obtained through torture is factually accurate, it is legally deprived of evidentiary validity. This means that the constitutional order deliberately refuses to recognize “truth obtained through illegitimate means” as sufficient for judicial proof. This foundation provides a firm theoretical core for responding to the objection that evidentiary invalidity would “paralyze justice” (Nekounam, 2021).

• 2) Absolute Invalidity and Relative Invalidity

To resolve the tension between truth discovery and legitimacy, a distinction between absolute and relative invalidity has been proposed for Iranian law. This distinction must now be developed with theoretical precision.

• (a) Absolute Invalidity

Characteristics:

- The violation concerns fundamental rights and human dignity;
- The accused’s freedom of will has been impaired;
- The reliability of the evidence has been destroyed;
- The Constitution or ordinary legislation expressly declares the evidence invalid.

Examples:

- Torture or coercion in obtaining a confession (Khaleghi, 2022);
- Psychological or physical abuse for the purpose of obtaining a confession (Goldouzian, 2017).

Within this domain, recognizing exceptions would be conceptually inconsistent because admission of the evidence would amount to a direct violation of constitutional principles.

• (b) Relative Invalidity

Characteristics:

- The violation concerns procedural formalities or executive requirements;
- Its effect on defense rights or evidentiary reliability must be examined;
- No express rule declares the evidence invalid.

Within this domain, the judge must decide on the basis of criteria such as the “seriousness of the violation,” its “effect on the right of defense,” and the “causal relationship” between the violation and the evidence.

This distinction is also compatible with the jurisprudential and legal principles governing evidence acquisition because the principle of lawful evidence gathering must be applied in a balanced relationship with other principles, including the presumption of innocence and legality of evidence, rather than in either an absolutist or excessively permissive manner (Halalkhor Mirkala et al., 2020).

• 3) Response to the Objection of “Judicial Authoritarianism” or “Subjective Decision-Making”

Another objection is that if analytical criteria are entrusted to judges, decisions will become subjective. The response is that the proposed model is specifically designed to prevent subjectivity. When a judge is required to:

1. classify the type of violation;
2. analyze its effect on the right of defense;
3. examine the causal relationship;
4. assess the seriousness of the violation; and
5. provide transparent reasoning in the judgment,

the resulting decision is no longer based on personal intuition but on a structured analytical framework.

This approach is consistent with Iranian scholarship advocating the “systematization” of the rule governing evidentiary invalidity ([Rahgosha, 2022](#)).

• 4) Relationship Between the Proposed Model and Iranian Jurisprudence and Criminal Policy

A potential objection is whether drawing inspiration from the Fruit of the Poisonous Tree doctrine is compatible with the jurisprudential foundations of Iranian law.

The response is that the U.S. doctrine is not being adopted “in its entirety”; rather, the analysis derives “analytical inspiration” from it. Islamic jurisprudence itself contains normative concerns regarding the illegitimacy of unlawful means, and jurisprudential-legal studies concerning reliance on illegally obtained evidence demonstrate that Iranian legal thought possesses sufficient conceptual capacity to consider the exclusion of unlawfully obtained evidence from the body of proof ([Nekounam, 2021](#)).

Accordingly, the proposed model is not a simple imitation of U.S. law; it represents an internal development of Iranian law informed by comparative experience.

• 5) Effect of the Model on the Legitimacy of Judicial Decisions: A Deeper Analysis

The legitimacy of judicial decisions can be analyzed at three levels.

First level: legal legitimacy

A judgment should not be based on evidence that is legally devoid of validity ([Khaleghi, 2022](#)). In cases of absolute invalidity, a judgment contrary to such mandatory safeguards lacks legal legitimacy.

Second level: procedural legitimacy

Even where no express rule exists, if the process through which evidence was obtained is unfair, the judgment is procedurally impaired. This is the level addressed by the proposed model.

Third level: institutional legitimacy

Public confidence in courts depends upon the perception that fundamental rights are genuinely respected. Admission of evidence obtained through serious rights violations weakens that confidence.

The invalidity of evidence is therefore not merely an instrument for protecting defendants; it is also a mechanism for protecting the institutional credibility of criminal justice.

8. In-Depth Critical Analysis, Responses to Potential Objections, Theoretical Development of “Absolute/Relative Invalidity,” and Its Relationship with the Principle of Truth Discovery and the Efficiency of Criminal Justice

At this stage, the article must move beyond comparison and model construction and enter the domain of “critical analysis,” because rigorous academic evaluation—and particularly doctoral examination—focuses precisely on this point: does the proposed framework merely provide a comparative reinterpretation, or can it respond to the theoretical and functional challenges of criminal justice? Accordingly, this section first reconstructs the apparent tensions between truth discovery and legitimacy of the evidentiary method, then theoretically refines the distinction between “absolute invalidity” and “relative invalidity,” and finally responds to key objections in order to demonstrate that the proposed model neither paralyzes criminal justice nor produces subjective decision-making. On the contrary, it enhances the predictability and legitimacy of judicial decisions.

The starting point of the critical analysis is that “truth discovery” in criminal proceedings does not concern an absolute truth existing outside the legal system. Judicial truth is a truth constructed within fair procedural rules and under normative control. For this reason, U.S. doctrinal scholarship has long confronted the question whether the Exclusionary Rule sacrifices

substantive justice by excluding apparently reliable evidence. The central response is that if courts permit constitutional violations in the evidence-gathering stage to remain without consequences at the evidentiary stage, fundamental rights are effectively transformed into “ineffectual promises,” while courts institutionally benefit from unconstitutional conduct. In the long term, such a situation erodes the legitimacy of criminal justice even if it facilitates truth discovery in the short term (LaFave, 2020). The same logic has been reconstructed in Iranian scholarship through the concept of the “legitimacy of evidence gathering”: the invalidity of evidence essentially means denying validity to evidence obtained unlawfully and removing it from the body of evidence used against the accused. The justice system cannot reach a legitimate outcome through an illegitimate process without depriving fair trial itself of substantive meaning (Rahgosha, 2022).

Nevertheless, critics in Iran frequently approach the issue from another perspective, arguing that “under Iranian law, evidence is presumed valid unless legislation expressly declares it invalid; therefore, misconduct by a law-enforcement officer or investigating authority does not necessarily eliminate the evidence itself, and expanding invalidity should not be allowed to undermine the efficiency of criminal justice.” This reasoning has been articulated in some scholarship under a theory according to which evidence retains validity unless an explicit statutory rule provides otherwise (Akrami, 2021). If the analysis stops at this point, however, a legitimate question arises regarding the relationship between this presumption and constitutional law. The answer is that the Iranian Constitution itself has already drawn the boundary between truth discovery and legitimacy of means within the “hard core.” It expressly prohibits torture and denies evidentiary validity to statements obtained through prohibited coercive methods. Thus, even if a confession extracted through torture reveals the factual truth, the constitutional system deliberately refuses to recognize it as legally valid evidence. Iranian law therefore accepts that “truth obtained through illegitimate means” does not invariably deserve incorporation into a judicial judgment because the cost may be the destruction of procedural legitimacy and human dignity (Nekounam, 2021). More precisely, within the Iranian hard core, the conflict between “truth discovery and legitimacy of the means” has already been resolved: constitutional law prioritizes the legitimacy of the evidentiary method while simultaneously permitting lawful remedial procedures, such as renewed investigation, to prevent disruption of adjudication (Goldouzian, 2017).

It is from this point that the theoretical distinction between “absolute invalidity” and “relative invalidity” acquires meaning. Absolute invalidity concerns circumstances in which the violation occurs at the level of fundamental rights and human dignity or where constitutional or statutory law expressly declares the evidence invalid. In such cases, admission of the evidence constitutes a direct violation of constitutional requirements and an evident weakening of the legitimacy of the judgment. Consequently, within the domain of absolute invalidity, “exceptions” justified by policy considerations or efficiency calculations are unacceptable. If the good faith of the officer or the necessity of discovering the truth could render torture-derived evidence valid, the constitutional prohibition would effectively be deprived of meaning. Relative invalidity, by contrast, concerns situations in which the violation occurs at the level of procedure or executive requirements, no express rule declares the evidence invalid, and the effect of the violation on defense rights or evidentiary reliability must be examined. This distinction provides precisely the balancing mechanism required between truth discovery and legitimacy of means: under absolute invalidity, legitimacy of the method constitutes a non-negotiable boundary; under relative invalidity, legitimacy remains the governing principle but is applied in a “graduated” manner through assessment of the actual effect of the violation on defense rights and procedural integrity rather than through either excessive tolerance or rigid absolutism.

At this stage, an objection may arise that “if the criteria are analytical and case-specific, judicial decisions will become subjective.” The response is that subjectivity is more likely to arise where no systematic criteria exist and the judge must choose between legislative silence and the practical pressures of the case based primarily on personal intuition. If, however, a binding analytical framework requires the judge to classify the violation, explain its effect on defense rights, analyze the relationship between the violation and the evidence, assess the possibility of procedural remediation, and ultimately provide transparent reasoning, the decision becomes grounded in reviewable legal logic rather than subjective intuition. This objective is also reflected in Iranian scholarship. Research concerning the foundations of evidentiary invalidity in Iranian and U.S. law demonstrates that exclusion can be justified both on an individualistic basis, through protection of defendants’ defense rights, and on a collectivist basis, through preservation of institutional credibility and procedural integrity, while simultaneously observing that Iranian law has not “clearly” recognized the rule in a systematic form (Rahgosha, 2022). The proposed model

is therefore fundamentally “anti-subjective” because it requires judges to reason stage by stage and increases the possibility of scholarly and judicial review of their decisions.

Another important objection concerns the compatibility of comparative borrowing with the jurisprudential and legal foundations of Iranian law. Here, it must be emphasized carefully that the article does not transfer the U.S. Fruit of the Poisonous Tree doctrine or the Good Faith and Inevitable Discovery exceptions “as an imported package.” It draws only upon the logic of “analyzing the relationship between the violation and the evidence” as a rational instrument for structuring legal analysis. The U.S. experience demonstrates that preventing circumvention of legal protections requires examination of the evidentiary chain; whether the consequence should invariably be exclusion or instead remediation or reduction of probative value must, however, be determined on the basis of domestic Iranian principles. Iranian scholarship confirms the capacity for such internal development. Research on the jurisprudential and legal principles governing evidence acquisition demonstrates that concepts such as the “principle of lawful evidence gathering,” “legality of evidence,” the “presumption of innocence,” and related principles can be extracted systematically from Iranian criminal law and employed to structure judicial decision-making (Halalkhor Mirkala et al., 2020). Comparative analysis in the present article therefore serves to “strengthen the method of analysis,” not to “replace Iranian legal foundations.”

The relationship between this theoretical distinction and the efficiency of criminal justice must then be clarified. A critic may argue that “if invalidity is extended into areas not expressly regulated, prosecutions will collapse and offenders will be released.” The analytical response is that efficiency cannot be reduced to speed or conviction rates. Sustainable criminal justice efficiency requires judgments that are reliable, capable of surviving appellate review, and conducive to public confidence. Where a court relies on evidence obtained through methods that seriously violate fundamental rights, the immediate result may be conviction, but the long-term consequence may be public distrust and a crisis of institutional legitimacy. That constitutes institutional inefficiency rather than efficiency. Moreover, the distinction between absolute and relative invalidity is specifically designed to prevent the “paralysis of proceedings.” Absolute invalidity is limited to areas in which constitutional or statutory law expressly denies evidentiary validity and where compromise is unacceptable. Under relative invalidity, by contrast, the decision depends on the effect of the violation on defense rights, the seriousness of the illegality, the relationship between the violation and the evidence, and the possibility of remediation. Thus, rather than indiscriminately expanding invalidity, the proposed model establishes a graduated framework that prevents serious violations while ensuring that minor violations without meaningful impact do not unnecessarily deprive criminal justice of relevant evidentiary material (LaFave, 2020).

Finally, the effect of this framework on judicial legitimacy must be analyzed more deeply. The legitimacy of a judicial decision can be examined at three levels: legal legitimacy, procedural legitimacy, and institutional legitimacy. At the first level, a judgment must not be founded on evidence that constitutional or statutory law regards as invalid; in cases of absolute invalidity, a judgment based on evidence obtained through torture or coercion is legally defective (Goldouzian, 2017; Khaleghi, 2022). At the second level, even in the absence of an express statutory rule, the process must remain fair and a substantial violation of the right of defense should not be allowed to produce evidence capable of determining the judgment. It is precisely at this level that the proposed model strengthens procedural legitimacy through mandatory stage-by-stage reasoning. At the third level, public confidence in criminal justice depends on society’s perception that courts do not “benefit” from serious violations of fundamental rights and that citizens’ rights are genuinely respected during investigation and prosecution. Admission of evidence derived from serious violations erodes this confidence, even where the outcome of the case may appear substantively desirable. From this perspective, the rule of evidentiary invalidity is not merely a mechanism for protecting the accused; it is also an instrument for protecting the institutional integrity of courts and reproducing public confidence in criminal justice (Rahgosh, 2022).

9. Conclusion

The critical conclusion is that the conflict between truth discovery and legitimacy of the evidentiary method is an apparent and resolvable conflict. Within the hard core, the Iranian legal system itself has prioritized legitimacy of means over illegitimately obtained truth. In areas not expressly regulated, distinguishing absolute from relative invalidity and requiring courts to analyze the effect of the violation on defense rights and the relationship between the violation and the evidence can simultaneously prevent subjective decision-making and avoid unnecessarily paralyzing criminal justice. The proposal advanced

in this article therefore does not amount to imitation of U.S. law; rather, it constitutes an internal development of Iranian law informed by comparative experience, ultimately strengthening the legitimacy of judicial decisions at the legal, procedural, and institutional levels.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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