

The Authority of Criminal Judgments in Civil Cases

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Abstract:

The rule regarding the authority of a final criminal judgment in a civil dispute is reflected in Article 18 of the Criminal Procedure Code. According to this rule: if the facts relevant to a civil dispute have been examined in a criminal proceeding, and the contents of the final criminal judgment indicate the affirmation or negation of those facts, the civil court must follow the final criminal judgment regarding the matter. Examples of the application of this rule were previously outlined in Article 227 of the Civil Procedure Code, concerning the forgery of documents, and now, Article 18 of the Criminal Procedure Code introduces this rule as a general principle, making a final criminal judgment that is relevant to the substance of the civil case binding for the civil court. It appears that a criminal judgment that affects the substance of a civil case can either be a ruling or a substantive final decision. The impact on the substance of the civil case means that the presence or absence of factual matters that serve as the basis for the civil lawsuit has already been established in the criminal proceedings, and the contents of the final criminal judgment are sufficient to prove or disprove the claimant's entitlement in the civil case. The basis for this rule can be found in general principles such as the authority of *res judicata*, the preservation of public order, the necessity to avoid conflicting judgments, and the extensive powers of the criminal authority in matters of proof.

Keywords: Res Judicata, Conflicting Judgments, Criminal Judgments, Civil Disputes.

Extended Abstract

This article examines the binding authority of final criminal judgments in subsequent or parallel civil proceedings in Iranian law, with particular emphasis on Article 18 of the 2013 Criminal Procedure Code (CPCr) and its relationship with Article 227 of the 2000 Civil Procedure Code (CPCiv). The core question is when, why, and to what extent a civil court is obliged to follow the factual findings contained in a final criminal decision—whether a conviction, acquittal, or a final substantive order—when adjudicating a civil dispute arising from the same facts.

The starting point is Article 18 CPCr, which expressly provides that whenever a final criminal judgment is *effective in the substance* of a civil claim or an action for damages, it is binding (“*lāzem al-ettibāʾ*”) on the civil court. This provision generalises a narrower rule previously found in Article 227 CPCiv concerning forgery: where the criminal court has definitively confirmed the authenticity or falsity of a document, the civil court must decide accordingly. The article thus conceptualises the “authority of the criminal judgment” as a specific form of *res judicata* operating across procedural domains. It argues that, properly understood, the criminal judgment’s binding effect concerns factual determinations that serve as the basis of the civil claim—such as the occurrence of an act, its attribution to the defendant, or the genuineness of a document—rather than the civil court’s legal characterisation or choice of remedy.

Methodologically, the research adopts a descriptive–analytical approach based on doctrinal legal analysis. It scrutinises the text and legislative history of Article 18 CPCr and Article 227 CPCiv, related provisions on civil and criminal *res judicata*, and the general principles of Iranian procedural law. These materials are read alongside leading doctrinal writings (Ashuri, Khaleqi, Shams, Katouzian, Khoda-Bakhshi, etc.) and selected judicial practice, in order to reconstruct both the positive law and the underlying rationales invoked by courts and scholars. The study also draws on comparative insights from French and mixed civil law systems to situate the Iranian solution within broader debates on the relationship between criminal and civil adjudication.

A first substantive part clarifies key concepts. “Criminal judgment” is defined broadly to include not only trial court judgments of conviction or acquittal, but also final substantive orders such as dismissal of charges or termination of proceedings where these rest on factual findings on the existence or non-existence of the alleged conduct. It distinguishes this from preliminary or purely procedural orders which do not resolve factual issues relevant to subsequent civil litigation. The article also defines the “ancillary civil action”) *dā’ vā-ye hoqūqī-ye tab’ī*) as a dependent claim for damages arising from the same offence, whose basis lies in civil liability but which may be heard by the criminal court or separately by a civil court. In both scenarios, the criminal court’s assessment of the underlying facts is potentially decisive for the civil outcome.

The article then analyses the specific features of the rule of criminal judgment authority. First, it is characterised as absolute with respect to the traditional conditions of *res judicata*: unlike civil *res judicata*, which generally requires identity of parties, object and cause, the binding effect of the criminal decision in Article 18 CPCr is not formally conditioned on such identity. If the facts established in the criminal case constitute the factual foundation of a civil claim—even involving different parties—the civil court may not contradict those findings. This “absoluteness” operates in three dimensions: it binds all participants in the civil proceedings (even those who were not parties to the criminal case); it applies regardless of the legal nature of the civil claim (contract, tort, status, etc.); and it precludes the civil judge from questioning the correctness of the criminal court’s factual findings, even where the civil claim is one of tortious liability or damages.

Second, the rule is described as mandatory (public-order based). Article 18 CPCr is drafted as an imperative norm: if its conditions are met—finality of the criminal decision and material relevance to the civil claim—the civil court must follow it *ex officio*, even if the parties do not expressly invoke it. The judge may not refuse to apply the criminal court’s factual findings on the basis of personal disagreement, nor may the parties validly waive its application by agreement. The article shows how this mandatory character reflects the public-order nature of criminal adjudication: criminal proceedings serve broader social interests, including preservation of legal order and determination of truth through broader evidentiary powers (such as proactive investigation, compulsory measures and expert evidence), and their outcomes cannot be re-litigated in parallel civil forums.

The analysis then turns to the conditions for the rule’s application. First, there must exist a “final criminal judgment”, meaning that ordinary remedies (appeal) have been exhausted or allowed to lapse, and that the decision has attained stability. Secondly, the criminal judgment must be “effective in the substance of the civil claim”; the article interprets this as requiring that the factual

issues decided in the criminal case coincide, at least partially, with the factual basis of the civil claim—such as the commission of a wrongful act, the authorship of a defamatory statement, the occurrence of a car accident, or the forging of a signature. Where the criminal judgment does not address the relevant facts (for example, dismissal on purely procedural grounds without factual examination), or where the civil dispute rests on separate factual elements, the binding effect does not arise; the civil court may treat the criminal decision as *evidence* but not as a binding determination.

The study further explores the interaction and potential conflicts between the criminal and civil judgments. It identifies the main risk as the issuance of conflicting decisions: where a criminal court has found that a given act was committed by the defendant, a civil court may not later hold that no such act occurred, nor that it was committed by another person; conversely, if the criminal court has acquitted the accused on the factual ground that the act was not committed or not attributable to them, a civil court may not base a liability judgment on the opposite factual premise. In such situations, the principle of criminal judgment authority operates as a conflict-avoidance mechanism that protects legal certainty, prevents duplication of proceedings and strengthens public confidence in the justice system.

A particularly delicate question addressed in the article is the scope of authority of foreign criminal judgments. It argues that, as a rule, Iranian courts are not obliged to follow foreign criminal decisions in civil matters, because recognition of foreign judgments is discretionary and constrained by public order. However, by analogy with domestic *res judicata* and subject to reciprocity and respect for fundamental principles, Iranian courts may give evidentiary weight or even limited binding effect to foreign criminal decisions when adjudicating related civil claims, especially in transnational cases. The study suggests that the rationale of Article 18 CPCr—avoiding contradictory decisions on the same facts—can support a cautious extension of the doctrine to foreign judgments, provided national public order is not undermined.

In its evaluative part, the article highlights both the advantages and challenges of a strong doctrine of criminal judgment authority. On the one hand, it promotes judicial economy, coherence of the legal system, protection of defendants from repeated harassment, and fairness to victims by clarifying paths for asserting civil rights after criminal proceedings. On the other hand, it raises concerns about potential over-reliance on criminal courts, given that criminal standards of proof, while formally higher (“beyond reasonable doubt”), may in practice be influenced by institutional pressures, and procedural safeguards differ between criminal and civil contexts. There is also a risk that the broad and mandatory effect of criminal judgments could unduly restrict the autonomy of the civil judge or impair the development of nuanced civil liability standards.

The article concludes that, despite textual ambiguities in Article 18 CPCr—particularly regarding the definition of “effectiveness in the substance” and the catalogue of covered decisions—there is a coherent set of underlying principles: prevention of repeated litigation, avoidance of conflicting judgments, preservation of public order, and recognition of the wider evidentiary powers of criminal courts. It proposes that Iranian courts interpret Article 18 to give binding force to final criminal judgments on factual matters that form the basis of the civil claim (occurrence, authorship and basic circumstances of the act), while preserving the civil court’s competence to determine

legal characterisation, scope of duty and quantum of damages .This balanced reading respects both the autonomy of civil adjudication and the public-order function of criminal justice.

Finally, the article suggests that clearer legislative guidance or interpretive directives from the Supreme Court could reduce existing divergences in judicial practice and doctrinal opinion. By articulating more precisely the conditions, scope and limits of criminal judgment authority in civil disputes, Iranian law can better harness the benefits of this doctrine—legal certainty, efficiency and protection of rights—while minimising its potential drawbacks, thus strengthening the coherence and credibility of the overall justice system.

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