

An Investigation of Negative and Positive Consequences of Media-Driven Criminal Cases in the Society

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ABSTRACT

Mass media as the lead performer of information and knowledge distribution among people is responsible to do their duties regarding their volitions and jurisdictions without any infringement of the criminal justice codes. Within this scope, it is sometimes observed that media has engendered havocs and interruptions in the criminal justice processes by breaching the rules and encroaching their jurisdictions. The purpose of this study is to investigate the role and influence of media in criminal cases and in a broader view, in abnormal demeanors in the society. The findings implied that mass media is operating like a “two-bladed sword”. They hold either positive and negative functions. Sometimes they take steps to endorse the right and sometimes disregard it and take step towards their own advantage. Hence, the positive and negative consequences from mass media entails more conservative policy towards them. Although the negative aspects of the media are not always committed wittingly, it should not be forgotten that a knowledge of duties and jurisdictions could survive them of falling into this abyss.

KEYWORDS: media, media reflection, criminal process, fair justice.

1. INTRODUCTION

Mass media is a tool which is extremely effective in training and guiding individuals. Thanks to its ability and strength in reflecting and showing sound arts and performances, the media has more attractive compared to other training tools. For example, due to its capability regarding performances and picture, TV as a media can produce willingness to work, culture and norm. Capabilities such as sound, picture and different arts which are applied in different media can be effective in training and making it common among teenagers and children to the same extent or more they are effective in committing crime from its fans. Role of media can be interpreted in reflecting norm and normal culture of society and preventing from committing crime as follows: Good and bad practice of every action which in fact originates from societies' culture can be deduced to different races of society through group media. Also it can prevent individuals from wrong path and committing crime by making a certain culture with values and normal objectives. Acceleration in publication is one of the features of media. Ability of transferring news quickly in different areas of the world through group media causes millions of individual daily become aware of events happening across the globe. Another feature is that media news and programs are continuous and continuing these programs can deduce their definitions or contents to their fans which is followed by media managers' certain position. They say every piece of news can turn into a belief by continuity and repetition even if it is not true. Group media are able to distribute their news and programs widely. So that minimum events in a remote village can be widely broadcast across the globe. Because of this feature of media modern world is called world village. Prominent duty of media in informing and training normal behaviors doubled significance of these tools, since if group media can have a significant effect in a normal or abnormal of society by having features such as speed of distribution, range and power of transferring different messages and news. Therefore, group media can be effective in line with making positive concepts common with social function. We should mention that media's positive and negative role and position in social life will be drawn by media organizers and managers according to their goals. So that they will be significantly effective more than any other tools, especially if media cares about training children and teenagers according to extent of their effects and creating social evil against content behaviors. The method used is descriptive-analytical through library sources. Persian and foreign sources and books, thesis, articles and related magazines will be used for writing this paper. We seek to review positive and negative consequences of media during trial and publicizing prosecutions, this way we can become aware of media's role in criminal cases and the effects they may have on minds of ordinary people against crime, criminals.

2. Definition and explanation of concepts

Identifying concepts and terms involved steps the state of better explanation of the research. Therefore at the start of this paper first we will briefly deal with identifying main concepts which are involved in the paper. Next, positive and negative consequences of media in cases which are publicized will be investigated.

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2.1. Media definition

In the world of communication sciences, media is basically a technical and physical tool for converting message to symbols which are transferrable. Physical and technical features of media are determined from nature factors which are present for using [1]. Media originates from “reach “and infinitive of” make something achieve” means a tools for making something achieve. Media is mostly followed by group constraint and group media or mass media is common among people [2]. The media or mass media are tools which are used by everybody in certain condition of new civilization. The most important features are influence, expansion of domain, and its effectiveness [3]. Group media somehow connects people with each other and on the other hand it is a link of society members with sovereignty and relation of sovereignty with people. Due to significance of media and despite the fact of specifying media is a difficult tasks, some factors of group media which are expressed as a media among different tools are briefly presented here:

1. Written media: books, articles, press and generally written works can be included in media. Witten media dates back to many years ago, because of its feature in writing. Press and magazines are known written media among humans. We should mention that printing and publishing media does not have obligation with using paper and nice frame, they may be produced and published electronically with the same condition and appearance regularly and with name recording and a certain series number in [political, economic and cultural fields]. Books and articles are other examples which can be mentioned as the media.

2. Sound and media: TV, Radio and satellite are tools which introduced themselves to the world as sound and picture media. Generally, these three tolls or media are the most popular media which are welcomed in the modern age. As a communicative device, radio was introduced by an Italian scientist called Marckoni. He sent his first radio news by a mobile device up to three-kilometer distance in 1895. TV is a picture communicative device which has a wide effect in the life of people. In Greek language, Tel means away while vision which originated from Latin means seeing or sight.¹ Satellite is s system which is circulating around an orbit around a moving planet. Too much energy is required for placing a satellite into orbit. In the modern age, satellite has widely penetrated into human life and has a determining role in improving of human civilization. With its scientific mission and different applications such as audio and video services, weather, space and military services, satellite has provided human too many services.

3. Virtual media (internet): internet is a media which led to wide developments on notifying and providing awareness to people in recent years in different countries. From 1999's on, internet successfully replaced most of previous computer networks. In modern world, communicative devices such as radio, press, TV have placed a key role in line with improvement of culture and human civilization by transferring new information and information and exchanging public opinions so that most scientists call present age” the age of communication”. Wide communicative networks which are active 24/7 learn people whatever they prefer [4]. In the present age, group media is the most important tools of cultural activities and criminologists, juristic and sociologists cared about its role in preventing from crime [5].

2.2. Media representation

In the age when media is introduced as the most powerful informing tool to society members, different effects of the tools in different human aspects should be investigated. Today media is introduced as an active tool not passive. Hence, such tool's role is significant in criminal process which is effective in individuals' life and their rights. As a source which people trust to, the media introduces or reproduces most of social phenomena. Media's attention towards representing crime and process of criminal justice is significant and if an event or social phenomenon is not broadcast in media, it is like nothing happened. therefore, in this respect criminal justice system will be in media's broadcasting and it will be specially noticed by mass media. Hence, every day we witness juridical events through mass media. Public media plan and arrange a strong instruction. The media selects topics, headlines and comments. There is a force which reflects opinions and forms them. The border between them is not clear, on the other hand the extent media changes or representing a society is controversial [6]. Therefore, media provides the stage for penetration into society by forming public opinion.

When daily events and accidents especially criminal ones are reflected in media, it means that mass media provides a certain direction for the events in line with reaching its objectives by providing their favorable programs and news. Events of criminal justice in society can be introduced and understood through mass media. Therefore, revealing media is reflection along with news and events orientation related to different events and a summary of criminal news. Thanks to mass media, criminal justice system, their fans connect with each other. Hence, we can argue that the image formed in the minds of people regarding criminal justice was achieved through mass media. The media ,mostly don't seek to present programs according to cultural diversity of societies and only certain cliché models have the chance to be reflected in the media. In many cases, the media considers performing some criminal policies as true needs of people in line with solving problems of managers in criminal justice institutions. While scientific explanations rarely have the chance of being presented in the media, the media is eager to enlarge criminal events in order to attract more fans. It seems natural that in spite of too much popularity of the media among different races of society and assumptions which is made among them, intentionally or unintentionally people are influenced by media space with different orientation. Hence, according to performance of the media in society and regarding criminal justice and their reflection, we have to argue that most people's ideology regarding criminal justice system's performance such as how to deal with juridical investigations, level of crimes and their outbreak all are formed through mass media. In enlarging crime through the

¹ www.fa.wikipedia.org/wiki

media public opinion turn to policies based on fighting against crime, rather than noticing main reasons behind committing crime such as unemployment and inequality. But if people are appropriately aware of programs performed, they may disagree with imposing violence regarding that special case.

Generally and according to what mentioned above, we need to argue that information related to crime has always allocated a key part of content of all the mass media. Analysis of mass media which is mostly related to broadcasting crime in the media has a narrow meaning, and it is not associated with deviating sociology concept and criminal phenomenon. In a society that is improving role of different communication networks in transferring news and information continuously changes in long term. And a media may become more significant during a decade from aspect of news or other roles such as education. Improvement factor is not only technological transformation and making cultural and technical-media transformation, transformations which happen in condition of cultural and social conditions of people such as employment, income, literacy and so on will be influenced too [7]. It is worth to know that different news channels are not equality available for others and level of trust of other groups is not equal, too [8]. The media has the ability of easily formed public opinion through the approach people chose crime. The media also has the power through explaining or suggesting what majority of people believe in and support. Therefore, the media can expand certain policies [9]. In publicizing of criminal justice, unconsidered and unplanned engagements of the media and criminal justice makes criminal justice authorities act horribly and inappropriately which created worrisome more than everything. Since this type of engagement in judicial system with the media will only be followed by precipitance and unplanned decisions. That's why this kind of the media's engagement with juridical justice system will be completely explained in the next chapters. Broadcasting news related to criminal events, the media imposes a certain attitudes towards people and seeks to organize the way they judge regarding crime and criminal justice. These communication tools can change a sovereignty topic into a significant one. They can make public opinion sensitive towards a certain issue, vice versa they can make an important news seem insignificant. Journalists, teachers, news services, newspapers and managers prepare news and reports and they play a key role in specifying crime and diversion domains by selecting topic and the way of transferring information to people. Selecting criminal events and they way of reflecting them, they define authorized behaviors and provide societies some criteria on this domain. Hence, on one hand the media has the ability of intensifying unsecure feeling, promoting victim and encouraging individuals who are willing to commit a crime and on the other hand they can be effective in reducing crime and providing a secure feeling by playing responsible and informing roles and promoting models of a healthy life [10]. We can mention that criminal news and stories in all the media have always been taken into account. Although level of news coverage has changed during the past, a significant part of media space was accelerated to information originate from criminal justice. Representing crime in the media is not associated with true model, since the media concentrates on crimes with high level of intensity. Although this problem is different with type of the media and their quality.

2.3. Criminal process

Criminal process is the process of decision which made after primary research regarding committing offense with offender arrest by police until condemnation and releasing criminals and their rejoining to society. In other words, it is a process which starts since capturing of individuals by police and is finished with some measures after executing sentence, since today duty of criminal justice is not finished with punishment. There is another criminal process which is taken into account after bearing punishment, especially if the punishment is imprisonment.

Therefore, once an individual is captured, chased, prosecuted and punished in executing criminal rules, they meet, communicate, make contact with criminal atmosphere, different institutions of aid trial criminal and experience it for some time. Passing from this special environment changes to turning point in life. Behavior of trustee of criminal environment with those accused and criminals should be followed by munificence and by abiding by humanitarian principles and human rights. Lack of dignity in behavior and lack of abiding by citizenship rules and regulations have heavy psychological, physical and social consequences for those accused or criminals. Such behaviors may lead to violence, aggression, crime and even feeling of endurance from society. Therefore, the media plays a key role as index of different social domains in criminal process.

3. Positive effects of publicizing criminal cases

With its unique features, the media can be effective in social life. Criminal justice domain is one of the aspects into which the media penetrates and leaves positive and negative effects on it. As one of the most important services which can be presented in a country, notifying is significantly noticed by authorities and politicians. The media which has a significant role in making people aware can play a key role in just trial, too. The media seeks to improve level of justice by making atmosphere which is effective in improving goals of a fair trial. The objective is not always a self-awareness issue among the media and their managers and in some cases they seek to improve fair trial objectives unconsciously. In some cases, the media which follow their objective regarding attracting fans their behavior leads to improving fair trial. Positive effects such as reducing of hearing loss, reduction in temporary arrest, accepting lawyer and reducing power abuse are issues which are conducted in line with improving criminal justice system.

3.1. Speed in criminal investigations

A definite issue regarding criminal investigations is that parties and those involved in criminal cases want reduction of time of investigation. In this respect we observe that parties complain about long time of investigating cases. Therefore, delay in investigation is not usually welcomed by parties, unless in exceptional cases. Criminal justice system

which received its legitimacy from people and public opinion seeks to attract individuals' attention during referring to justice system. Hence, we can argue that even criminal justice system is not willing to investigation delay in most cases. With all the efforts made for reducing investigation time in criminal case, there is no need to provide example where time of criminal investigation is heavily related to investigation delay. Whatever the reason is, it results in investigation delay. Hence, we need to reduce investigation time by different techniques. In this respect, mass media is one of the tools by which investigation become quicker, especially y efforts of criminal justice authorizes.

The issue of delay in investigation and solving differences has made some problems for juridical system and those refer to courts, this is not for a certain time and place and it s for all areas of the world. Delay in investigation is related to several factors. For this reason solving it in a certain period is not possible and needs specialized investigation. During dealing with a case, there are some factors which affect on process of investigation unintentionally. The factors are sometimes useful; they increase investigation time and process of trial, sometimes not only these factors are not useful in investigation acceleration, they do lead to delay. The factor also stop investigation completely and in fact make the case beyond its normal state [11].The media is aware of investigation and their timing more than ordinary people, seek to reduce their time by imposing pressure on criminal justice system. There were some cases in which space of the media reduced investigation time significantly. We should bear in mind that different features which are present in each of offense or criminal or they way of committing a crime which motivates people's feelings all make people require a quick reaction from criminal justice system.

Whether the media space accelerates criminal investigations has positive or negative consequences, it needs to be investigated accurately. The media accelerates criminal investigations by spacing, but we need to see if accuracy in these cases can be achieved or not. Anyway, now that we are considering reduction in delay as a positive merit for the media publicizing, we need to bear in mind that the media seeks to accelerate investigation time with their spacing and creating an atmosphere which needs acceleration of investigation and reduction of delay. Once criminal justice system investigates reasons behind prolonged investigation process, they will conclude that this prolongation is the result of inappropriateness by human factors along with complexities and bureaucracy. Therefore, if justice system seeks to remove obstacles during the media space, then investigation time will be reduced. In such cases it can be observed that not only reduction of delay in the media space makes problem for the parties rights, but also facilities them to reach their rights. Hence, we can claim that imposing media space in criminal process has merits and disadvantages. On one hand, if the space is followed by accuracy and speed it will result delay reduction and on the other hand if it is not done with care, it will lead to inappropriate decisions and hurriedness.

3.2. Revelation of trials

Principle of publicizing trial is among principles which are emphasized in fair investigation and freedom of speech of the media is also interpreted according to this principle. According to fain investigation, trial should be done publically for inducing people's rights and providing public discipline for society. But we need to mention that this principle is not absolute and it may become limited based on some individual rights and total interest. Therefore, the media has central role in publicizing trial and they are not exception to this issue and they need to abide by individual rights or total interest regarding trial publicizing. All member of a society cannot attend investigation sessions simultaneously, journalists who are present in the court are trusted by people and can reveal results. Mass media seek to mention truth of criminal justice trial ha by freedom of speech which was obtained from constitutional law. With their presence and curiosity regarding different cases, they contribute to revelation of criminal trials which is one of principles of fair trial.

Trial publicizing is a condition in which investigation sessions is formed and run without making an obstacle against presence of ordinary people and public media. Departure is regarded from principle of trial openness in cases which are stipulated by the law, violating fair trial principles and rejecting people's constitutional rights. Generally, two bases can be considered for this principle in fair trial. First this principle is justified based on right of accused person and guarantying his rights and on the other hand public interest is regarded its theoretical basis [12]. Hence, principle of trial publicizing is a key guarantee in juridical security, since people can attend trial session and assess its fairness during trials in a public judgment.

Here is the basis of trial publicizing: first, trial publicizing leads to increase of juridical accountability. In legal systems of all the nations judge has more or less key authorities which are related to fundamental rights and freedoms of people and wide part of these authorities have diagnostic aspect. Second, trial publicizing increases efficiency of judiciary. Presence of people and the media in trial sessions makes judge and other judgment staff such as parties, lawyers, witnesses and experts do their duties according to rules and regulations accurately [13]. Third, it increases public to judiciary. If courts act fairly during their judgments and don't discriminate, people will trust votes of courts, otherwise they will lose their trust. Forth, principle of publicizing is one of medical-justice tools. It means that this principle causes relief and feeling of improving condition for those who have lost their fame and validity.

Mass media can play a key role as main trustee of notifying and making people and public opinion are in line with trial publicizing. Hence, they make those who were not present in the courts aware of what happed. This way they receive results. Because of its unique features such as expansion and acceleration in publishing information, the media expands trial openness significantly. Trial publicizing has a wide definition and means people have the permission to attend trial. This aspect is one of openness of things. Hence, if people receive trial news from other methods, we may call it the principle of publicizing and the opposite, limiting the media or preventing from using informational technologies and communicative ones for publishing trials to the public is regarded limiting principle of trial publicizing.

However, trial publicizing is not an absolute principle in the rules of other countries and investigation will be close in some cases. International documentations present on this issued authority of close holding of investigation session, but the documentation consider trial publicizing an exception and they emphasize on openness of issuance and publishing votes [14]. In some examples such as cases which are not consistent with security and welfare of society, principle of openness is ruined. Before publishing trials and informing, the media should not make the principle endangers people's interest and the accused rights. Hence, transparency in performing justice and revealing it are negative consequences of judgment in public. As they say, performing justice is not enough, it should be visible and open [15]. Therefore, guarantying right of the accused and society's interest together form bases of principle of trial publicizing. Hence, with the excuse of supporting interest of societies, we can victimize the accused individual rights and interests and public interests can be ignored in the name of guarantying the accused defense rights.

3.3. Reducing authority in criminal investigations

There is view among the media and public opinion indicting if people attend criminal trials, they will realize accuracy of trials and will trust juridical system and obtain confidence in real justice [16]. Judgment and trustee of juridical justice system have the authority to enforce law because of their authority in criminal cases. Prosecutor, judge and other juridical system staff can act in favor of their interests during. In some cases, it is not about their interests, but because of the politicians' influence over judge, forces judge, prosecutor to make decisions which are not consistent with justice and fair trial criteria. Decisions that may indicate power and authority of juridical justice system trustee in an inappropriate path. In this respect, if mass media supervisors actions of juridical justice system as supervisor and representative of people in society, condition will be different. Hence, smart and aware media are the best reason for reducing authority and other executive authorities of the country and some plans should be made in order to improve them. Hence, mass media have significant roles in revealing information. One of the reasons which is mentioned for trial publicizing is that juridical system observes itself in for not the media and on the other hand, the media as representative of people is regarded as supervisor on juridical system and they will act legally.

Among fair trial principles which should be welcomed in juridical investigations, is independence of courts. Courts should resist against pressure which are imposed on them from outside and sovereignty system for making decisions and they should not be influenced by them. In this respect, mass media are regarded as leverage on judgment and criminal in justice system, since the media considers itself voice of people and seek to govern the atmosphere which is among ordinary people. Generally, dependence of courts has two aspects: one is lack of dependency to other ruling powers and the other one is lack of inclinations towards one of parties. An independent and neutral court is the one which makes its decisions based on realities available in cases aside from any limitation, recommendation, interference or direct and indirect pressure [17]. European communions of human rights emphasized that necessity of court's independence does not need constant judgment and lack of transferring their job place, what is important is that courts should avoid any interference during judgment.

In one of definite principles of trial if judge investigates a case in advance, the judge can not be called a qualified and independent one. The media are among factors which interfere in courts' dependence due to various reasons and in some cases they may change it to their own interest. Providing juridical security requires fair prosecutor during which two parties' position and personality should not been taken into account and the law should be enforced within framework of trial rules. Lawmaker should not impose more limitations for one party and providing more rights for one side is allow illegal they should not also make worries fore parties during trial [18]. Neutral principle in trial is one of fundamental and fair principles and criteria which was emphasized in Islam. Imam Ali criticized the judges who had not abided by this principle. A fair court is investigating and juridical decision-making regarding civil and criminal matters among two parties in qualified, independent, fair judgment with abiding by predetermined principles and it is guarantying legal rights of two parties during trial.

If a citizen is charged, they must be able to defend themselves in an independent and fair court freely. To do this, there should be no certain limitation. If their defensive tools are not cared and there does exist sufficient and logical reasons for charge, then only predetermined punishments should be sentenced and they should be performed by abiding by human dignity [19]. In brief, courts' independent and fair judgment can turn to center of media space. The media make a certain atmosphere which judges have to follow and in spite of courts' disagreement with atmosphere of the media, they may face intense criticism of people and the media. Therefore, it can be observed that judges are forced to join it and they ignore fairness and independence principle.

Reflecting criminal justice in mass media makes judiciary consider people supervisor of their actions and this makes them do appropriately. On the other hand, publicizing of criminal justice is success of police in catching criminals and definite behavior of juridical system with people makes possible criminals learn lessons and not do any crime. Those who believe in supervising role of media in juridical system think that if prosecutor feels people are supervising him, they will do their job without any fault. On the other hand, if nobody is presence in the court room except judge, accused person and prosecutor and people are not aware of retribution and process of trial, court will find itself freer so that it can act freely and deviation from justice from juridical system will be inevitable. Generally, juridical system is bound to do its best in obtaining people's rights and enforcing just. Judge should make an effort in providing rights to those who deserve it. Unfair judgment of juridical system helps governments. Publicizing of juridical justice and process of trial helps people supervise juridical system with the help of the media.

In modern societies, the media and the media have key roles in social supervision and the supervision is not individual. Especially in countries which governments have the media, recognizing public opinion and people's reaction

against message is significant [20]. Therefore, public supervision on managers' performance is significant and as Habermas argues public opinion's thoughts supervise criticism which are made by ordinary people unofficially against ruling class [21]. The media should do its best in line with supervision on cases which lead to damage to society and people, since supervision is one of the main duties which is defined by the media.

3.4. Accepting lawyer

Fair trial principles have always been seeking some ways to explain solutions to facilitate reaching to justice in a more appropriate way. One of the cases which can help in reaching to better fair trial is accepting lawyer and legal consultant for individuals in criminal process. The right may be violated in some cases; presence of lawyer for those involved in criminal cases is banned for different reasons or may face hard obstacles. While in spite of presence of individuals who is familiar with legal issues well, rights of people can be reached better. Once presence of lawyer especially during primary researches and especially in security process encounters obstacles, it leads to violation of some people's rights. In this line, when mass media are involved in an issue in which presence of lawyer is banned, a set will be provided for presence of lawyer in criminal investigations. In cases where lawyer faces some obstacles, if the media notices it, then lawyer will be accepted in these cases.

4. Negative consequences of publicizing criminal cases

Moreover advantages the media can provide for society, they are regarded as one of the factors which cause serious damage to society. Violating moral principles by the media intimidates society, culture and norm. By heterogeneous provision of criminal information, mass media can have devastating effect on criminal justice. In the media and their broadcastings, crimes are not equal to each other. Crimes of violence especially crimes penetrate into the media world easier. Today, the media are involved in problems in different cases and they are mostly charged as a main guilty in most cases. The media is an intimidation against psychological and moral health. In cases of lack of political stability and economic problems and so on, the media is mentioned as a harmful factor. Some of side effects are creating phobia with crime. During criminal process, rules and limitations should be care so that no problem can happen. Mass media as main trustee for people are bound to do their mission without any interference by abiding by regulations related in each step. In his line it is observed that the media set the stage during criminal investigations by violating their duties. For example, mass media makes accused person aware with achievements of those involved in cases by informing and the way support accused person for receiving disagreement position. This act of the media is not always done consciously, we should bear in mind that recognizing their mission and authorities can save them from such abyss. Effect of the media in criminal process can be viewed in different steps. This way accused person may be regarded as a factor that makes problem in criminal process in steps of pre-trial, discovering crime and chasing. Therefore, what is introduced in this text as consequences of weakening fair trial is only effect of the media space. Since the media space has too many positive and negative consequences which are hard to mention them all one by one. Hence, some of positive and negative consequences of the media are present in this paper.

4.1. Violating the accused rights

An important issue which should be considered in any fair trial is that accused person is different with guilty; in the most fundamental rights of accused person their assumption of innocence should be recognized. Before proving guilt, accused person is guiltless and criminal justice system and mass media don't have the right to publish their identity and they should not be treated as guilty. The first problem which exists in a fair trial is reviewing engagement which shows criminal justice in mass media with fundamental rights which are acted in rules in criminal policy of every country. This is an issue which should be carefully dealt since it is significant. It is evident that the media has the right to have freedom of speech in line with doing their duties and authorizes and they should be able to publish the events accurately. The right can be achieved only when it is consistent with rights of people and society. In this point, rights of people should be in priority. However, mass media always weasel its right because of creating crime wave and the rights of two parties may be violated.

Some rights during trial are equal access to courts and equity before courts, the right of having a fair trial, the right of having public trial, the right of trial in a fair, neutral and independent reference, the right of innocence principle, the right of benefiting from time and sufficient facilities for preparing defense, the right of trial without unjustified delay, the right of defending, right of hearing witnesses, right of having a translator. Despite the media space and too much involvement of the media among society and creating public opinion among people of society the rights in trial step may be violated. The right of innocence or innocence principle is the accused right. Under this principle individuals are considered guiltless until their charge is not proved in a fair court and according to a fair trial. Therefore, the most important principle is that all of his rights and freedoms should be valued. To respect principle of innocence it is necessary to abide by some formality from crime discovery step to chasing, research, and the accused investigation and condemnation. Here is principle of innocence in law terminology: every action which leads to damage or lack of freedom, the individuals should be deprived of it, sine without a definite reason making individuals suffer is not legal [22]. In fact, innocence is the accused assumption of innocence. According to Human rights commission, in this principle government authorizes are forced to prevent from prejudgment regarding results of trial. The commission argues that everybody must be supported by governmental authorizations before they are charged in a fair court. Equity principle which is a joint law heritage of all the nations across the globe was noticed by lawmakers in internal law of nations in the recent century especially after the Second World War. It was also topic of announcements, and conferences international and

district level [23]. It can be argued that this principle is a logical one originating from law justice. Since in most criminal litigious hostility is not possible expect through official justice, according to this justice in cases when a prisoner under accusation, their innocence should continue unless they provide justifiable reason. Therefore until lack of proving ill will of the accused, lack of their ill will is removed [24]. It should be mentioned that ruining innocence principle under publicizing of criminal mass, is regarded violating fair trial principles and the accused right in criminal investigation. Hence, fundamental principles of human rights should be respected such as innocence principle, more over informing in cases which are legal by the law and this way dignity of people should be maintained. Respecting others privacy is a principle which will be followed by fair trial. Abiding by privacy of individuals should be done for relatives and in retribution justice system. The media should not consider people's privacy as the media excitements in line with the right of publicizing criminal investigation.

The right of privacy is among rights with which all people should abide. It means that people have the right to maintain their privacies and other's privacy can not be violated without legal authorization. It is not about the reason of violating privacy of others, it is about respecting other people's privacy and they should stay safe from other's harm. In process of criminal trials, abiding by the right of privacy includes all those involved whether suspect, accused person, victim and this is highly significant regarding criminal process due to information present among people. Calling someone a criminal may make some punishments for them which is more intense that legal punishment. This type of punishment which is imposed from society member on them, is so called "Ricochet punishment". Revealing identity or image of those involved in criminal trial is sometimes leave irreparable damage and under that condition people can hardly become ordinary member of society. Definition of privacy is associated with the culture governing a society and type of government. Hence, the definition can be broad or narrow according to type of culture which exists such as religious or non-religions, political, authoritarian or democratic cultures [25]. Reviewing contrast of criminal justice's being broadcast in the media with the right of privacy reveals the fact that interference and contrast between the right of freedom of expression in the media and the right of privacy of people should not lead to violation of people's right in criminal investigation.

Mass media should not violate people's privacy in order to attract fans. Hence, it can be argued that contrast of these two should be ended in favor of supporting people's privacy. The media and juridical authorities don't have the right to reveal identity of suspects with the excuse of happening an event and social interest, especially those whose guilt is not proved in a fair trial. Therefore, freedom of speech and the media's publishing crime should not be followed by revealing identity and picture of suspect. Publishing individual's picture which is a suspect and their guilt is not proved yet is inconsistent with definite rights of people. Publishing picture and identity in the media makes the prejudgment that they are guilty and public opinion will recognize him guilty. With this prejudgment, prosecutor can hardly make the fair decision without any inner willingness during issuing final vote.

4.2. Revealing identity of the accused

The media should consider that publishing people's backgrounds (profiles) may not have positive and good consequences. While lack of revealing their past by mass media is the right which should be recognized especially in non-intense crimes. When publishing their profile is not required, it may ruin credit criminal gained after their last crime and this way they will have more inclination towards another crime. Unnecessary revelation of criminal's identity may harm the respect they have obtained before and makes them disappointed for joining society. Others will have different views about them and may misbehave with them. In some cases the media may obtain individual's information or personal pictures through histrionic. The media's histrionic may provide them the chance to reveal illegal activities and social evils, such deeds may sometimes weaken public trust in the media and may challenge validity of the media. Also, such procedures influence on newspapers' ability in collecting news in long-term.

In primary steps of research some measures are conducted due to proving guilt is gathering, discovering and identifying criminals and the finally objectives to discover the truth and innocence from society right, as a result revelation of researches which makes mass media penetrate into society will leave negative consequences on quality of research and decision of judge. Moreover offensive to assumption of innocence, with awareness of real perpetrators or main suspects of research some problems will be made for the police during capturing and identifying suspects [26]. Hence, during process of conducting primary researches and pre-trial steps, the steps should be done in a series, written and fast way in which possibility of other factors' interference in order to deviate them can be reduced.

4.3. Violating fair trial

Fair trial (Trial) is a known word in trial system. But trial in Persian means to help and support someone. Trial without the word fair means dealing with evidence and it alone means fain investigation [27]. Fair description in "fair trial" originates from concept of justice. Justice means perseverance. It means to stay directly in truth path. Generally, justice means equity and considering individuals the same. Sometimes fair trial is expressed for a fair trial. Equity is regarded more sensitive look of justice. Fair trial includes holding a trial or judge one person or some people by a fair court. In a fair trial we need to care about several substantive and procedural standards and lack of them leads to corruption of juridical system.

As a recognized international norm on human rights, the right of fair trial supports individuals against deprivation or limiting their fundamental rights and freedoms [28]. There are two aspects regarding trial's being fair. One of them is fair trial in which only deals with maintaining balance between interests of government and accused person. Rule of equity of guns comes from the view that interests of criminal should be observed. Mass media as main factors of

informing and people's awareness and public opinion can play key roles in line with trial publicizing. Informing other individuals who were not in court sessions they seek to make them aware. It is like they really were present in the country, with its special features such as span and speed in publishing information, the media expands trial significantly. Trial publicizing has a wide meaning in which individuals are allowed to attend the session. Allowing others to attend is an aspect of trial publicizing. Hence, if people become aware of trials in other ways, we call it openness principle and the opposite limiting presence of the media or preventing them to use informational technology for announcing trials to public is regarded as limitation of trial publicizing. Therefore, during applying matching strategy in a fair trial, juridical justice system should care that interests of victims does not become a tool for violating rights of suspects. In a fair trial, it can deal with matching of rights of offense in terms of principle of ruining international rights. During publishing procedure of trials, the media should consider that principle of publicizing trial should not endanger interest of individuals and rights of accused person. They should not also deny interests of society, hence transparency in performing just and revealing it are useful results of publicizing judgment.

4.4. Reducing authorities of judgment in determining appropriate punishments

Independence of court judgment is among fair trial principles which should be welcomed in criminal investigations. Courts must resist against pressures coming from outside and maybe governmental systems for making their decision and their decisions should not be influenced by them. In this respect, mass media are considered as pressure leverage on judgment and criminal justice system. Since the media considers itself as "voice of people" and seek to make an atmosphere among criminal justice system; the atmosphere they have already created among ordinary people. Mass media reduce juridical decision-makings through their supervision and on the other hand they can make problems for them by reducing judgment's independence and authorizes during enforcing law. Generally, independence of courts has two aspects: lack of dependency to other ruling powers and the other one is lack of inclinations to one of the parties. An independent court has no limitation, advice, interference, or direct and indirect pressure and make decisions only based on realities that exist in the case [29]. as one of definite principles in trial, if the judge comments about a case, he/she will not be called a fair and qualified judge. The media is among factors which intervene in independence of courts and in some cases change the issue in their own interest. In the process of providing juridical security, lawmakers should not give right to one side more than the other side and limitations should be the same for both parties. Also, fairness should not be violated from prosecutor and the individuals involved should not create worrisome. [30]. In brief, independence of courts can be focused by the media and mass media can influence on fair trial. Courts have to follow the atmosphere made by the media and in spite of disagreement they will be intensely criticized by people and the media. Therefore, it can be observed that judges are forced to join the procedure and they ignore their independence. Trials in criminal system make decisions in terms of law and conscience and their personal views are not involved. Hence, it seems that judges seek to understand the situation in juridical trial and digest the accused condition and they try to issue final vote according to fair law. However, in some cases it can be observed that some condition and factors influence on the accused destiny which is inconsistent with law ratio. And if judge issues a different vote, accused person has a different destiny. Mass media is one of these factors which hidden influence on process of trial and due to their extent and prevalence they have more influence. Lawmaker cannot accurately observe or predict these factors and they are not able to prevent from their much effect [31]. By space, mass media has the ability to influence on different sectors in criminal justice system and society. Because of its features which were mentioned above the media can influence on performance of lawmakers and criminal policy makers. What is certain for which we can present many cases is that policy makers and criminal lawmakers are not deprived on media space and to meet needs of the media they make decisions hurriedly. The decisions which should motive desires of public and the media are not efficient. This reflection of media which is followed with enlargement paves the way for making hard decisions. It seems that this enlargement in Iran is much more regarding sexual crimes. Fear and insecurity feelings towards those commit sexual crimes increases under the media atmosphere. Hurried performances which result from criminal populist has a long history in Iran's retribution lawmaker and in some cases especially in sexual crimes this action was observed hurriedly and unprofessionally. In juridical system especially level of pressure of the media is more in terms of significance of juridical cases. Judgment is under pressure of the media during issuing vote. Also, prosecutor and officers are under immense pressure of the media during judgment and in some cases their performance is influenced. Target of the media in trial phase in which they have to issue a vote. Judges should proceed to appropriate vote in a calm atmosphere, but in some cases they face the media and face dilemma in decision-making which finally results in an inappropriate vote.

4.5. Quick and inappropriate investigations

The accused and complainant as two main relevant rights in a criminal case have the right whose case to be investigated patiently and without hurry. Although they always claim their case usually takes longer than usual, what is clear is that the parties never ask for hurried decisions despite their request in acceleration of investigation. Therefore, the right of investigation patiently is among rights which should be provided for both parties [32]. However, it can be observed that mass media and the consequences they leave during criminal justice investigation may violate the right clearly. With its space, the media makes people and society ask for acceleration in investigation and punishment. In this respect, judges, and criminal prosecutor may be influenced an immense pressure and have to decide hurriedly and this way rights of parties may be violated. This right violation for the accused because of the opportunity of defending they were deprived of. The right of defense is the most natural individual right. Hence, during primary researches and trial and before issuing vote, an opportunity must be provided for the accused to prepare defense tools. In spite of their barest,

possibility of preparing documentations and negotiation with intuition should be provided from them. There must exist a logical and appropriate distance between date of occurring offense and definite trial. On the other hand, due to hasty all the damages to complainant such as spiritual damages will not be fully compensated and accused person will be immensely punished. Hence, it can be observed that during investigation, mass media can be effective in discovering crime, documentation and in some cases it can have opposite effect and makes investigation stay away from its normal state. The media mainly demonstrated its effect on researches with in line with their objectives. By writing false documents, falsification and change in events they make investigators be influenced by them and investigators may make mistake in their investigations. Despite these possibilities during investigation, disaster of the media's presences in these steps is "alzshore- men-alshams. The topic of disaster should be analyzed at this point. Since the investigator may follow comments (views) of journalists with any experience and this way they will not use their experiences and professional skills. It is obvious that the media which seek to reflex intense crimes are to accelerate their speed before judges and criminal justice authorities. One of criminal policy features supervising violent is emphasizing on quick criminal responses. From the view of those in favor of the approach, quick criminal responses will warn accused people which juridical system will not have tolerance against them and violating social norms will be responded as quickly as possible. On the other hand, quick responses increase trust to juridical system. Since after committing a crime public feeling hurts, delay in responding increases pains and suffering and people gradually become disappoint with responsibility of criminal justice system regarding providing security. In these reactions which are mostly formed by the media, they are followed by criminal populist. Public defend quick responses which are followed by hurriedness.

Comparing criminal justice reaction in cases which were published in the media with the cases which had less attention from the media will lead to the media representing and the opposite lack of publishing crimes in the media will have much influence on how criminal justice system reacts. In criminal justice system cases which were published in the media are noticed more compared to those which were hidden from the media. As a result, the cases which were not published in the media are dealt with lower level of being hard. While in cases which are covered in the media more quickly, reaction of criminal justice system is intense, quick and hard.

5. Conclusion

We will reach to conclusion of unavoidable effect of the media regarding criminal justice publicizing and its consequences. Mass media make an effort according to the right of freedom they have in live with making people aware and they justify the freedom in publishing materials under the right of freedom of speech. But in most cases this right is in contrast with rights of the parties and fair trial principles. We should bear in mind that effect of mass media and representing criminal justice with all its negative consequences cannot be avoided in criminal process. Instead of violating rights of people or removing them, we deal with two criteria of freedom of speech and activity of the media and keeping rights of people and fair trial principles. The media as one of the factors which leaves unavoidable effect on criminal justice process can be significant in criminal process; the media which has the right in expressing realities due to their freedom of speech principle. It is obvious that mass media can be considered a capacity from which can be used in line with preventing and modifying victims. The media is in fact a two-bladed sword. Right application of media can solve problems and inappropriate application is destructive. Hence, we need to improve function with a wide view. Mass media influence on approaches of policy yammers and on different dimensions of social life.

Effect of mass media in criminal justice system even may lead to post-trial steps and in some cases it influences on process of performing sentence by media coverage and by publishing criminal sentence. Presence of positive and negative functions in mass media doubles significance of these tools in criminal justice. Since making inappropriate decisions under the media space in process of retribution case can leave irreparable effects for each of those involved in criminal justice. Hence, trustee of criminal justice should be fully aware of this and they should not be influenced by these tools moreover using mass media. According to what mentioned in this text we have to accept that mass media influences on criminal justice process intentionally or unintentionally. And due to this effect, positive or negative consequences will be provided for criminal justice. While positive consequences such as preventing from penetration, from accepting lawyer, publishing trials and reducing evidence hearing and so on were considered for the media. Of course, in some cases such positive features face doubt and only negative consequences become prominent. Since supervision on juridical system has no influence on strong and determined societies and judge will not fear and acts as they like to.

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