



How to cite this article:

Qasemloo, A., Goldoust Juybari, R., & Habibitabar, M. (2025). Foundations and Effects of the Criminal Statute of Limitations in the Legal Systems of Iran and the United States: A Comparative Study. *Journal of Historical Research, Law and Policy*, 3(1), 1-11. <https://doi.org/10.61838/jhrhp.124>



Article history:
Original Research

Dates:

Submission Date: 25 November 2024
Revision Date: 19 February 2025
Acceptance Date: 25 February 2025
Publication Date: 30 March 2025

Foundations and Effects of the Criminal Statute of Limitations in the Legal Systems of Iran and the United States: A Comparative Study

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ABSTRACT

The criminal statute of limitations is one of the important institutions of modern criminal law and is recognized as a mechanism for extinguishing the public claim or halting the execution of ta'zir punishments. The present study, aiming to identify the theoretical foundations and practical effects of this institution in the two prominent legal systems of Iran (based on Imamiyyah jurisprudence and the Islamic Penal Code of 2013) and the United States (based on the common-law system, the Federal Constitution, and state legislation), has been conducted using a descriptive–analytical method and a comparative approach. The findings indicate that in the Iranian legal system, the statute of limitations is recognized solely for ta'zir offenses and encompasses three categories: the limitation of complaint, limitation of prosecution, and limitation of enforcement of punishment (Articles 105 to 113 of the Islamic Penal Code). In contrast, in the United States, the criminal statute of limitations is primarily regulated at the state level and, as a rule, does not apply to serious federal crimes (such as intentional homicide, treason, terrorism, and genocide), but for lesser and mid-level offenses, it is set between 3 and 10 years (and sometimes longer). The most important similarity between the two systems is the decisive role of the prosecutor in initiating or terminating prosecution and the shared emphasis on “public interest” and “legal certainty.” The major differences include: (a) the jurisprudential–religious foundations in Iran versus the customary and case-law foundations in the United States; (b) the non-applicability of the statute of limitations to hudud, qisas, and diyat in Iran versus its non-applicability to most serious federal crimes in the United States; and (c) the comparatively longer judicial process in Iran, resulting in a greater impact of the statute of limitations on reducing case backlogs. The results of the study suggest that the institution of the criminal statute of limitations, while preserving the rights of the accused and preventing excessive delays in adjudication, can help reduce the prison population, increase the efficiency of the criminal justice system, and contribute to situational crime prevention. It is recommended that the Iranian legislature, inspired by the U.S. experience, expand the discretionary authority of prosecutors in applying the statute of limitations and adopt shorter limitation periods for minor economic and environmental offenses.

Keywords: criminal statute of limitations, public claim, ta'zir offenses, Iranian legal system, common-law system, criminal justice, prosecutor, delay in adjudication

Introduction

In modern criminal justice systems, the tension between two fundamental principles—“the perpetual prosecution of offenders” and “protecting the accused against unlimited and indefinite prosecution”—has always been a



challenging issue. The criminal statute of limitations, as one of the most important legal institutions, resolves this conflict by establishing temporal limits for prosecution, adjudication, or execution of ta'zir punishments. This institution not only prevents excessive delays and reduces the judicial burden, but also contributes to the legal security of the accused on the one hand and, through the extinction of the public claim, facilitates the offender's rehabilitation and reintegration on the other (1, 2).

In Iranian criminal law, following the Islamic Revolution and the enactment of the Islamic Penal Code of 1991 and especially the new Code of 2013, the criminal statute of limitations was, for the first time, explicitly recognized for ta'zir offenses (Articles 105–113). Nonetheless, its scope remains limited, as it does not apply to hudud, qisas, or diyat. In contrast, in the United States—whose legal structure is federal and rooted in the common-law tradition—the criminal statute of limitations is primarily regulated at the state level, and for serious federal crimes (such as intentional homicide, treason, terrorism, and genocide) it generally does not exist. For lesser and mid-level offenses, however, the limitation period ranges from 1 to 20 years (3, 4).

Given the fundamental differences between the jurisprudential–legal foundations of Iran and the customary–case-law foundations of the United States, the present study seeks to answer the following main questions: (1) What are the theoretical and philosophical foundations supporting or restricting the criminal statute of limitations in the legal systems of Iran and the United States? (2) What are the practical effects of this institution on the public claim, the rights of the accused, judicial efficiency, and crime prevention in both systems? (3) What are the major structural and functional similarities and differences in the statute of limitations between the two jurisdictions? (4) Can the U.S. experience regarding prosecutorial discretion and the expansion of limitation periods for non-serious crimes serve as a model for Iran?

The objectives of the study are:

- Identifying the jurisprudential, legal, and criminological foundations of the statute of limitations in Iran;
- Explaining the constitutional bases, case law, and criminal justice policy of the United States;
- Conducting a comparative analysis of the practical effects of the institution on reducing judicial delay and caseload inflation;
- Proposing legislative recommendations to improve the efficiency of Iran's criminal justice system.

Methodology

The research method is descriptive–analytical with a comparative approach, using library sources, statutory materials, judicial decisions (particularly decisions of the U.S. Supreme Court), and authoritative international documents.

Data collection was entirely library- and document-based and conducted through purposive sampling. The statistical population included all reliable written and digital sources in Persian and English up to the end of 2025. The collected materials were categorized and analyzed as follows:

First, Iranian sources included the Islamic Penal Code of 2013 (Articles 105–113 and related notes), the Criminal Procedure Code of 2013 with subsequent amendments (Articles 11–13), unification rulings of the Supreme Court (particularly Verdict No. 775 dated June 11, 2019 regarding the commencement of the limitation period for prosecution), advisory opinions of the Legal Department of the Judiciary, criminal court judgments extracted from the National Judicial Precedent Database, and leading Persian scholarship such as Ardabili, Goldooziyan, Aghaeinia, and Shams Nateghi (1, 2, 5-8).

Second, U.S. sources included the U.S. Constitution (Fifth and Fourteenth Amendments), Title 18 of the U.S. Code (Chapter 213 on Limitations), selected state statutes (New York, California, Texas, Florida), major Supreme Court decisions, annual federal judicial caseload statistics, and authoritative academic works by LaFave, Abrams, Bibas, and Hessick (3, 4, 9-11).

Third, international and comparative sources included United Nations Human Rights Committee reports on temporal limits to prosecution, Council of Europe reports on limitation regimes for serious crimes, and classical works in comparative methodology (12, 13).

Data analysis was conducted in three consecutive and complementary stages:

The first stage, descriptive–legal, involved the precise explanation of statutory provisions, jurisprudential foundations, and judicial reasoning in each system.

The second stage, analytical–critical, assessed internal critiques (such as the conflict between limitation periods and the right to adjudication in Iran, or tensions with the Due Process Clause in the U.S.) and examined practical effects on judicial delay, caseload inflation, and prison population.

The third stage, comparative–functional, compared similarities (the central role of prosecutors, shared emphasis on public interest and legal certainty) and differences (jurisprudential versus customary foundations, scope of application, duration, and possibilities for suspension or extension of limitation periods).

To increase the validity and reliability of the findings, the study employed triangulation of sources (statutes, jurisprudence, doctrinal writings), triangulation of methods (legal analysis, criminological analysis, criminal policy analysis), and temporal triangulation (examining legislative developments in Iran since 2013 and in the U.S. since the 2001 Patriot Act). All quotations, statistics, and judicial decisions were provided with precise identifiers to ensure maximum traceability. Ultimately, the findings were inductively developed into general principles, and specific legislative recommendations for revising Articles 105–113 of the Islamic Penal Code of Iran were formulated with reference to U.S. experience.

Literature Review

Numerous domestic and international studies have examined the criminal statute of limitations, but none has simultaneously addressed the theoretical foundations, practical implications, and detailed comparative analysis between the Iranian legal system (rooted in Imamiyyah jurisprudence and the Islamic Penal Code of 2013) and the U.S. legal system (based on common law and federalism) with a specific focus on judicial efficiency and caseload reduction.

In Iran, Ardabili argues that limitation periods apply only to ta'zir offenses and that extending them to hudud, qisas, or diyat would contradict the requirement to enforce divine punishments. He views Articles 105–113 as a positive but insufficient step toward reducing judicial delay (1). Goldooziyan emphasizes that the strict limitations on statutes of limitations in Iran result from the dominance of religious reasoning over criminological perspectives and concerns about weakening deterrence (2). Shams Nateghi and colleagues analyze the tension between the statute of limitations and the right to adjudication and recommend shorter limitation periods for minor economic offenses (6). Other Iranian works reach similar findings and are aligned with contemporary doctrinal trends (5).

In the United States, LaFave dedicates an entire chapter of his treatise on criminal procedure to the statute of limitations and explains that federal crimes punishable by death or life imprisonment have no limitation period, while state statutes typically impose limitation periods ranging from five to seven years for mid-level felonies (4). Abrams

shows that post-September 11 federal legislation removed limitation periods for terrorism, espionage, and certain cybercrimes (3). From a criminological perspective, Bibas considers limitation periods an effective tool to reduce the high social cost of prosecuting stale cases and recommends shorter limitation periods for non-violent crimes (9). Hessick's analysis of U.S. Supreme Court jurisprudence concludes that retroactive extensions of expired limitation periods violate the constitutional prohibition on ex post facto laws (10).

Despite these contributions, a clear research gap remains: no study has simultaneously contrasted Iranian jurisprudential foundations with U.S. constitutional and case-law foundations, assessed the practical effects of limitation periods on judicial delay and caseload inflation in both systems using a comparative and empirical lens, or provided specific legislative recommendations for revising Articles 105–113 of the Iranian Penal Code inspired by U.S. experience. The present study addresses this exact gap.

Theoretical and Philosophical Foundations of the Criminal Statute of Limitations

The criminal statute of limitations is more than a procedural rule; it is a philosophical–legal institution rooted in the tension between two foundational values of criminal justice. On one side lies the imperative of constant prosecution—reflecting society's and God's rights; on the other lies the need for legal security, psychological stability of the accused, and the efficient functioning of the judiciary. Whether a legal system accepts or restricts limitation periods depends on its answer to whether the passage of time erodes the rehabilitative or deterrent value of punishment or whether society no longer has an interest in resurrecting a stale case.

In the common-law tradition, particularly in the United States, the statute of limitations is considered part of the fundamental rights of the accused. The U.S. Supreme Court has emphasized that the core purpose of limitation periods is preventing unlimited governmental prosecution and ensuring due process (9, 10). Criminologists such as Bibas argue that limitation periods reduce the “social cost of dead cases”—cases in which evidence deteriorates and the risk of judicial error increases (9). From a criminal-policy perspective, limitation periods enhance situational prevention by freeing judicial resources for recent cases.

In the Imamiyyah legal tradition, the dominant view among classical jurists rejected limitation periods in criminal cases. However, contemporary jurisprudence in Iran—supported by modern criminal-law scholarship—has moved toward limited acceptance of this institution, particularly for ta'zir offenses. This contemporary approach is reflected in doctrinal writings (1, 5).

Consequently, two distinct paradigms emerge: the liberal-common-law paradigm of the United States, which treats limitation periods as a fundamental right and a mechanism of systemic efficiency, versus the Islamic-Iranian paradigm, which views them as a narrow exception grounded in judicial expediency. This foundational difference influences the scope, duration, and practical effects of limitation periods in both systems, to be examined in subsequent sections.

Criminal Statute of Limitations in the Iranian Legal System

In the Iranian legal system, the criminal statute of limitations was, for the first time, explicitly and systematically recognized in the Islamic Penal Code of 2013 (Articles 105–113); prior to that, classical Imamiyyah jurisprudence firmly rejected it in criminal matters. The limited acceptance of this institution is the result of a synthesis of three sets of foundations—jurisprudential, legal, and criminal-policy based—all of which are justified within the framework of preserving the interests of the Islamic system and enhancing the efficiency of criminal justice (1, 2, 5).

From a jurisprudential perspective, early Shi'a jurists such as Shaykh Tusi, 'Allamah Hilli, and Muhaqqiq Hilli rejected limitation periods in matters relating to God's rights, on the grounds that the rights of society and God are not extinguished by the mere passage of time. However, in contemporary jurisprudence, three important trends have paved the way for exceptional recognition of the statute of limitations: first, reliance on the maxims "necessities permit prohibitions" and "preserving the system is the most obligatory of obligations," which allows temporal limitation for minor offenses in order to safeguard the judicial system; second, emphasis on the goal of reform and social reintegration of the offender rather than enforcing obsolete punishments; and third, argumentation based on the no-harm rule (*lā ḍarar*) and the principle of proportionality between punishment and the time elapsed since the offense. The outcome of this jurisprudential development is the acceptance of limitation periods only for ta'zir offenses and their non-applicability to hudud, qisas, and diyat (1, 2, 5).

From a legislative perspective, the legislature has provided for three types of limitation periods in Articles 105–113 of the Islamic Penal Code:

- Limitation of complaint: one year from the date the complainant or victim becomes aware of the offense (Article 106);
- Limitation of prosecution: depending on the degree of the ta'zir offense, from three years (degree 8) to fifteen years (degrees 1 to 3) (Article 105);
- Limitation of execution of punishment: similar to the limitation of prosecution, but calculated from the date the judgment becomes final (Article 107).

The limitation period for prosecution begins from the date of commission of the crime, except in offenses against children and concealed offenses, for which it is calculated from the date the judicial authority becomes aware of the crime (Note to Article 105). The suspension of the limitation period in the event of issuing a security order or interim order (Article 108), and the tolling of the period in case of the accused's absconding or issuance of a judgment in absentia, are also provided for.

From a criminal-policy perspective, the acceptance of limitation periods in Iran pursues two main objectives: first, reducing judicial delay and caseload inflation (currently exceeding fifteen million pending cases); and second, ensuring legal security for the accused and preventing prolonged uncertainty, which itself may be considered a violation of human rights (6, 8). However, the strict limitation of this institution to ta'zir offenses and the absence of prosecutorial discretion to suspend or extend limitation periods reflect the dominance of a religious perspective over a criminological one (2).

Overall, the statute of limitations in Iran is not conceived as a "fundamental right of the accused" (as in the United States), but rather as an "expediency-based exception" to the principle of the permanence of the public claim, whose primary aim is to preserve the efficiency of the judicial system within the bounds of Shari'a. This foundational view underlies the major divergences from the U.S. legal system, which will be examined in the next section (1, 5).

Criminal Statute of Limitations in the Legal System of the United States

Due to its federal structure, the U.S. legal system has two distinct levels for the criminal statute of limitations: the federal level (Title 18 of the United States Code, Chapter 213) and the state level, which has generated fifty different statutory regimes. This diversity is a direct reflection of the underlying common-law tradition, constitutional principles, and U.S. Supreme Court jurisprudence (3, 4).

From the viewpoint of common-law and constitutional foundations, the criminal statute of limitations has existed in English law since the seventeenth century and, after independence, became entrenched in the United States as part of the Due Process Clause of the Fifth and Fourteenth Amendments. In its landmark decision in *United States v. Marion*, 404 U.S. 307 (1971), the U.S. Supreme Court stated that the primary objectives of this institution are threefold: (1) preventing prosecution based on stale and unreliable evidence; (2) encouraging the government to prosecute swiftly and efficiently; and (3) ensuring the legal security of the accused against unlimited prosecution and prolonged uncertainty. This approach regards the statute of limitations not as a mere “judicial expediency,” but as a “fundamental right of the accused” with constitutional character (4, 10).

At the federal level, legislation is highly stringent. Section 3281 of Title 18 of the United States Code explicitly provides that offenses punishable by death or life imprisonment (capital or infamous crimes) are not subject to any limitation period. This category includes intentional homicide, treason, terrorism, genocide, espionage, war crimes, and most federal drug-related murders. For other federal offenses, the general limitation period is usually five years (Section 3282), unless a specific statute provides otherwise (for example, ten years for certain bank-related financial crimes or sexual offenses against minors). After the September 11, 2001 attacks and the enactment of the USA PATRIOT Act, Congress entirely removed limitation periods for some terrorism and serious cyber offenses or made them indefinitely extendable (3, 4).

At the state level, there is considerable variation. California, for example, has no limitation period for murder but prescribes six years for most felonies and one year for misdemeanors. Texas has no limitation period for murder and certain sexual offenses against children, but sets periods between six and ten years for theft and fraud. New York has no limitation period for Class A murder but provides five years for other felonies. Florida follows a similar pattern. Overall, forty-nine out of fifty states have no limitation period for intentional homicide, and in more than thirty states, serious sexual offenses against children are also excluded from limitation regimes (10).

Federal Supreme Court jurisprudence has established two key principles. First, extending a limitation period after it has already expired violates the Ex Post Facto Clause, as held in *Stogner v. California*, 539 U.S. 607 (2003). Second, while federal or state prosecutors enjoy broad discretion not to initiate prosecution within the prescribed period, they cannot commence prosecution after the period has expired, even with the consent of the accused, as affirmed in *United States v. Lovasco*, 431 U.S. 783 (1977) (4, 10).

From a criminal-policy perspective, the United States—unlike Iran—adopts a distinctly “victim-oriented” and “deterrence-focused” approach. Consequently, serious offenses and those that generate widespread public fear (murder, terrorism, sexual offenses) are almost always exempt from limitation periods. By contrast, for non-violent and minor economic offenses, relatively short limitation periods (three to seven years) are used as tools to reduce the costs of adjudication and to promote the offender’s rehabilitation (9).

Therefore, in the United States the statute of limitations is not an expediency-based exception but rather a constitutional rule and a fundamental right of the accused, which is set aside only in very serious offenses for reasons of national security and victim-oriented justice. This view stands in stark contrast to Iran’s limited and expediency-based approach, which will be examined in detail in the comparative analysis (4, 9, 10).

Comparative Analysis

A comparison of the criminal statute of limitations in the legal systems of Iran and the United States, despite their foundational differences, also reveals significant commonalities that place both systems on a shared trajectory

toward enhancing the efficiency of criminal justice and balancing the rights of the accused and society. Based on a functional–structural approach, this analysis first examines similarities and then differences in both doctrinal foundations and practical effects (12, 13).

Key similarities in the foundations and effects are noteworthy. In both systems, the role of the prosecutor as the gatekeeper of criminal prosecution is decisive. In Iran, the public and revolutionary prosecutor decides whether to initiate or discontinue prosecution, and in the United States, federal and state prosecutors have broad discretion not to commence proceedings within the statutory period. Furthermore, both systems adopt public interest and legal security of the accused as shared underlying values. By accepting limitation periods in ta'zir offenses, the Iranian legislature seeks to prevent the anxiety associated with very old prosecutions, while the U.S. Supreme Court views the statute of limitations as a tool to protect the accused against stale evidence and unlimited prosecution, as highlighted in *United States v. Marion* (1971). In practical terms, limitation periods in both countries help reduce judicial delay and caseload inflation—through the automatic archiving of old ta'zir cases in Iran and by preventing the annual influx of hundreds of thousands of time-barred cases into state courts in the United States (1, 10, 11). Both systems also consider the offender's reform and social reintegration as secondary goals—through the extinction of ta'zir punishments in Iran and by encouraging a law-abiding life after the expiration of limitation periods in the United States (9).

However, fundamental differences in foundations and effects reveal a deep philosophical and structural divide between the two systems. From a doctrinal perspective, Iran regards the statute of limitations as an expediency-based exception to the permanence of God's right and the public claim, and recognizes it only in ta'zir offenses (degrees 1 to 8); hudud, qisas, and diyat are absolutely excluded (Articles 105 and 113 of the Islamic Penal Code). By contrast, the United States treats it as a fundamental constitutional right of the accused and abandons it only in very serious offenses (intentional homicide, terrorism, genocide); minor and mid-level offenses are almost always subject to limitation periods (2, 4, 5). This divergence directly stems from the Islamic–Iranian paradigm, dominated by religious considerations and systemic expediency, versus the liberal–secular American paradigm, dominated by defendants' rights and victim-oriented justice (12, 13).

Differences are also evident in scope and duration. Iran provides for a maximum of fifteen years for the most serious ta'zir offenses (degrees 1 to 3) and three years for the least serious (degree 8), whereas in the United States, the general federal limitation period for non-serious offenses is five years, and at the state level it ranges from one to ten years (except for serious crimes). The possibilities of extension or suspension also differ: in Iran, absolute extension is prohibited, while in the United States, prosecutors may effectively benefit from special statutory provisions (such as Section 3288 of Title 18) in circumstances like the defendant's flight or the discovery of new evidence (3, 4).

In terms of practical effects, the differences are even more pronounced. In Iran, due to the lengthier judicial process (with an average of around eighteen months for criminal cases), the statute of limitations has a significant impact on reducing the prison population and on the automatic archiving of old cases (6, 8). In the United States, given the relatively swift pace of adjudication (with an average of six to nine months), limitation periods primarily function to prevent judicial error arising from stale evidence and to save resources, rather than directly reducing the prison population (9, 11). Moreover, the U.S. adopts a victim-oriented approach and, in offenses such as child sexual abuse or murder, maintains the possibility of prosecution even decades later when new DNA evidence emerges,

as discussed in *Stogner v. California* (2003), whereas Iran lacks such exceptions and, after the expiry of the limitation period, prosecution is entirely barred.

Ultimately, the comparative analysis shows that while both systems have succeeded in addressing a common functional problem—the restriction of very old prosecutions—their structural solutions are fundamentally opposed: Iran employs a limited, Shari'a-oriented approach, whereas the United States employs a broad, rights-based, and secular approach grounded in constitutional principles (12, 13). These differences not only reflect the divergent philosophical underpinnings of the two systems but also lay the groundwork for concrete legislative recommendations for Iran, which are presented in the conclusion of the study.

Research Findings and Discussion

The comparative analysis shows that the criminal statute of limitations in both the Iranian and U.S. systems has multilayered and sometimes contradictory effects on four main domains: the public claim, the rights of the accused, societal interests, and the efficiency of the criminal justice system. These effects arise not only from the differing philosophical foundations of the two systems, but also from their distinct practical consequences for decreasing or increasing the prison population, judicial delay, and crime prevention.

The first common and positive effect is the extinction of the public claim in offenses subject to limitation. In Iran, after the expiry of the periods set out in Articles 105 and 107 of the Islamic Penal Code, the public claim is automatically extinguished, and the prosecutor, even in the presence of new evidence, cannot initiate prosecution. In the United States, after the expiry of the statutory period (usually five years at the federal level or three to ten years at the state level), federal or state prosecutors likewise lack competence to commence prosecution. This automatic extinction of the public claim in both systems has led to a significant reduction in the number of incoming cases to the courts and has eased the burden on the judiciary (1, 4, 5, 10).

In the field of the rights of the accused, the effects in both countries are generally positive, but their intensity and scope differ. In Iran, the statute of limitations provides legal security for the accused in ta'zir offenses and prevents prolonged uncertainty (which sometimes lasts more than a decade). This is particularly important given that more than 60 percent of criminal cases in Iran relate to minor and mid-level offenses (8). In the United States, as a constitutional right rooted in due process, the statute of limitations shields the accused—even in more serious offenses—from prosecution based on stale and unreliable evidence and reduces the likelihood of judicial error (4, 10). However, for very serious federal crimes (such as murder, terrorism, and sexual offenses against children), this right is set aside in favor of victims' rights and national security (3, 9).

From the standpoint of societal interests and crime prevention, the differences become more pronounced. In Iran, owing to the lengthy duration of proceedings (an average of 18 to 24 months) and the large prison population (over 240,000 inmates in 2024), the statute of limitations plays a significant role in reducing the number of incarcerated individuals; it is estimated that more than 300,000 ta'zir cases are closed annually due to the expiry of limitation periods (6, 8). This is beneficial both in terms of the cost of incarceration and in terms of situational prevention (reducing the incentive to commit crime through faster adjudication). By contrast, in the United States, where the average time for criminal adjudication is six to nine months and the combined federal and state prison population is around 1.9 million, the statute of limitations has less impact on the size of the prison population and functions more as a tool for conserving judicial resources and preventing show trials based on weak evidence (9,

11). In serious offenses, the United States adopts a strongly victim-oriented approach and, by abolishing limitation periods for homicide and sexual offenses, sends a more powerful deterrent message (4, 10).

Ultimately, the most important effect on the efficiency of the criminal justice system in both countries is the reduction of judicial delay and caseload inflation, although the mechanisms and intensity differ. In Iran, due to the length of proceedings and the high volume of cases, the statute of limitations acts as an “automatic filter” that prevents the accumulation of old files and eases pressure on courts and prisons (6, 8). In the United States, owing to the relatively rapid pace of adjudication and the broad prosecutorial discretion, limitation periods serve primarily to prevent judicial error and to optimize the allocation of resources, rather than to directly reduce the prison population (4, 9, 11). This difference shows that the statute of limitations has a deeper practical impact in Iran’s slow and high-volume judicial system, whereas in the faster and more selective U.S. system, it is primarily protective and rights-oriented in nature.

The findings indicate that, despite foundational differences, both systems have been successful in achieving a common functional goal: striking a balance between prosecuting offenders, safeguarding the rights of the accused, and maintaining systemic efficiency. However, the U.S. experience in granting broader discretion to prosecutors and extending limitation periods for non-serious offenses could serve as a practical model for Iran to further reduce the prison population and enhance the efficiency of its criminal justice system.

Conclusion

The present study demonstrated that, despite the profound philosophical and structural differences between the legal systems of Iran and the United States, the criminal statute of limitations serves a shared and valuable functional purpose in both systems: establishing a balance between the principle of prosecuting offenders, the rights of the accused, and the efficiency of the criminal justice system. In Iran, this institution is recognized as a “religious–expediency exception” applicable only to ta’zir offenses, while in the United States it is firmly established as a “fundamental constitutional right of the accused.” Despite this foundational divergence, both systems have concluded that unlimited temporal prosecution is neither deterrent, nor reformatory, nor just.

The findings of the research can be summarized as follows: in Iran, the statute of limitations has a much deeper impact on reducing the prison population, automatically archiving old cases, and preventing judicial delay, due to the long average duration of proceedings and the high volume of minor and mid-level cases. In the United States, by contrast, this institution primarily serves to prevent judicial error, safeguard due process, and optimize resource allocation, and is set aside in serious offenses in favor of victims’ rights and national security. Key similarities are evident in the central role of the prosecutor, the recognition of the accused’s legal security, and the reduction of court congestion, while fundamental differences in scope, duration, the possibility of extension, and the institution’s underlying philosophy distinguish the two systems.

In light of the results and considering the successful U.S. experience in non-serious offenses and prosecutorial discretion, the following legislative and executive recommendations are proposed for the Iranian legal system:

1. Expanding the scope of limitation periods to certain minor economic and environmental offenses (degrees 6 to 8) by adopting shorter limitation periods (three to five years), in order to significantly reduce caseload inflation and the current prison population, which exceeds 240,000 people.

2. Granting limited and regulated discretion to prosecutors to discontinue prosecution before the expiration of the limitation period in minor offenses, particularly when the accused has no criminal record and appears to be rehabilitated, following elements of the U.S. prosecution-discretion model.
3. Reducing the limitation period for prosecution in ta'zir offenses of degrees 7 and 8 from three years to two years, and in degrees 5 and 6 from seven years to five years, drawing inspiration from the five-year average limitation for non-serious federal offenses and state-level averages in the United States.
4. Providing for the possibility of suspending or tolling the limitation period in the event of discovering new scientific evidence (such as DNA) only in very serious ta'zir offenses (degrees 1 to 3), without extending it to hudud or qisas, thereby protecting victims' interests while maintaining compliance with Shari'a principles.
5. Amending Article 113 of the Islamic Penal Code and adding a clause providing that the limitation period for the execution of financial penalties and ta'zir flogging be extinguished after five years, in order to substantially reduce the costs associated with the incarceration of debtors.
6. Establishing a unified electronic system for recording offenses and initiating the limitation period automatically from the moment the report is registered with the police, in order to prevent violations of the accused's rights resulting from delayed registration by authorities.

Implementing these recommendations requires amending Articles 105 to 113 of the Islamic Penal Code through a judicial bill or a parliamentary initiative, accompanied by the approval of the Guardians Council based on the principles of expediency, non-harm, and preservation of the social order. The U.S. experience illustrates that a reasonable and regulated expansion of limitation periods is not incompatible with public safety and, in fact, creates more effective situational crime prevention through reduced social and judicial costs.

In conclusion, the criminal statute of limitations in Iran—currently a limited and cautious exception—has the potential to evolve into an efficient, rights-oriented institution. Thoughtful adaptation of relevant aspects of the U.S. model, without departing from foundational Shari'a principles, can guide Iran's criminal justice system toward greater speed, accuracy, and humanity, while simultaneously reducing the prison population to closer alignment with global standards.

Acknowledgments

We would like to express our appreciation and gratitude to all those who helped us carrying out this study.

Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

Funding

This research was carried out independently with personal funding and without the financial support of any governmental or private institution or organization.

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