Original Research



Challenges and Solutions in Applying Criminological Teachings in Iranian Public Criminal Law

Ali. Aghapour¹, Abbas. Mansoorabadi², Abbasali. Akbari³

- ¹ PhD Candidate in Criminal Law and Criminology, Tabriz Branch, Islamic Azad University, Tabriz, Iran
- ² Associate Professor, Department of Criminal Law and Criminology, Farabi College, University of Tehran, Qom, Iran
- ³ Assistant Professor, Department of Criminal Law and Criminology, Tabriz Branch, Islamic Azad University, Tabriz, Iran
- * Corresponding author email address: behmansour@ut.ac.ir

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Criminology, as an interdisciplinary field, can play an effective role in the development and improvement of criminal justice systems. However, in Iranian public criminal law, the application of criminological teachings faces numerous challenges. This article examines these challenges and provides solutions to enhance the use of criminological findings in the Iranian criminal justice system. Some of the key challenges include limitations in the language of criminal laws and their intersection with criminological teachings, insufficient awareness and transparency among judicial actors regarding criminological concepts, the imported nature of criminological theories, the punitive culture of society, and the lack of necessary education in criminological research methods. In contrast, solutions such as the localization of criminological teachings, emphasizing criminological studies, field interviews, and statistical research, raising judges' awareness of the functions of criminology, and applying modern penalties can facilitate the incorporation of criminological teachings into Iranian public criminal law. The aim of this article is to identify obstacles and propose strategies for increasing the connection between criminology and Iranian public criminal law. *Keywords: Public criminal law, criminology, localization of criminology, punitive culture, criminological research methods, modern penalties.*

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1. Introduction

riminology, as an interdisciplinary scientific field, has played a significant role in transforming criminal justice systems in recent decades. This discipline, utilizing findings from psychology, sociology, and biological sciences, examines the causes and factors leading to crime and provides strategies for crime prevention. In many developed countries, criminological teachings have not only led to a more accurate and comprehensive analysis of criminal behaviors but have

also resulted in profound reforms in criminal justice systems. However, despite the importance and broad applications of this knowledge, numerous obstacles and challenges remain in the path of applying criminological teachings to Iranian public criminal law.

In many countries, despite the authoritarian and unilateral nature of criminal laws established by the state, transformations have occurred. Many of these transformations are primarily the result of criminological research and findings. Although criminology is a scientific discipline and, due to its



critical and impartial perspective, is not widely embraced by governments, it has influenced criminal laws and set different objectives. One of these criminological objectives is a management-based approach in criminal matters, which aims to optimize the criminal process and enhance its efficiency (Shamloo & Abdollahi, 2015).

In examining the challenges facing the criminal legislator in applying criminological teachings, attention must be given, on the one hand, to the need for dynamism and the use of criminological achievements in criminal law, and, on the other hand, to the limitations that may act as obstacles to the use of these achievements, specific to the laws of each country. The Iranian criminal justice system, which is primarily based on traditional and Islamic jurisprudence, faces challenges when confronted with modern criminological teachings, such as incompatibility with legal infrastructure, lack of effective interaction between criminology and legislation, and resistance to adopting new approaches. These challenges not only hinder the full utilization of criminological findings in criminal policy-making but also impede the development and improvement of the efficiency of the criminal justice system.

Thus, the application of criminological teachings in the country faces challenges that require careful examination and assessment. This research examines the challenges that exist in applying criminological teachings to Iranian public criminal law. These challenges include issues related to the adaptation of criminological teachings to the social and cultural conditions of the people, operational and practical problems, and deficiencies and ambiguities in relevant laws and regulations. In this regard, a precise understanding of these challenges and finding appropriate solutions can contribute to improving the performance of the criminal system and better enforcement of criminal laws in the country.

The questions that the authors seek to answer in this research are: What are the most important challenges in applying criminological teachings in the Iranian criminal justice system? And what are the most important solutions for applying criminological teachings to Iranian public criminal law?

2. Challenges and Solutions in Applying Criminological Teachings in Iranian Public Criminal Law In Iran, public criminal law is based on Islamic jurisprudence and the classical principles of Western criminal law. These foundations often do not align with modern criminological concepts and theories, which focus more on sociological, psychological, and behavioral approaches. Criminology seeks to analyze the roots of crime and the social and psychological causes of delinquency, whereas traditional Iranian criminal law emphasizes the elements of the crime and the determination of punishment, with less attention to prevention and rehabilitation. Therefore, the application of criminological teachings to Iranian public criminal law faces several challenges, and in this section, we will explain the most important theoretical challenges.

2.1. Limitations Related to the Language of Criminal Laws and Their Intersection with Criminological Teachings

The language of criminal laws refers to the method and style used by the criminal legislator in drafting criminal laws. To benefit from the achievements of criminology in criminal law, the criminal legislator must aim to unify the concepts and key terms of criminal sciences.

Criminology has its own specific concepts and teachings. For example, in criminology, the term "chronic delinquency" is used, whereas in criminal law, the same term is referred to as a "habitual offender." Criminology examines the entire process from the beginning of crime to its commission, whereas criminal law only focuses on the moment the crime occurs. These processes require their own specific terminology and interpretations.

Similarly, regarding attempted crime, it is important to note that in English, unlike in Persian, two different terms are used depending on whether the reference is to the criminal law aspect (attempt) or the criminological aspect (onset) (Carlson, 2020).

In criminology, the offender is referred to as a patient, but to define illness and determine its conditions, one should not rely on medical science. In medicine, the definition of illness is entirely different from that in criminology. In medicine, illness refers to some form of deficiency or disorder that affects the patient's mental and physical well-being. However, in criminal law, being a patient means having a deficiency or disorder in one's personality, culture, behavior, and psychology that leads to the commission and repetition of crime. This perspective can provide judges with a deeper and more





comprehensive understanding, allowing them to issue the most just ruling, taking into account the broader scope of individual problems and limitations, aiming for the offender's return to a healthy life and the prevention of recidivism.

In general, the conflict between criminological terminology and criminal law concepts can lead to inconsistencies in law enforcement, the behavior of judges, and other judicial bodies. Therefore, criminal laws must be harmonized with criminological concepts, human rights, and international principles to guarantee justice and rights.

2.2. Lack of Adequate Awareness and Transparency Among Judicial Actors Regarding Criminological Concepts

One of the most significant barriers to the implementation of criminological achievements is the lack of adequate awareness and transparency among judicial actors regarding criminological concepts. In fact, the criminal justice system in the Islamic Penal Code follows a logic that aims to restore its lost position. This new logic, known as modern penology or calculative justice, has brought about major changes in the criminal justice system, to the extent that all matters have taken on a managerial tone. From that point onward, crime and the criminal can be understood within the scope of the concept of risk. Criminal justice techniques have advanced alongside these changes, and new models have emerged in some cases.

In this regard, it is necessary to enhance the knowledge of judicial actors in all areas so that criminological achievements can be properly implemented. For instance, Article 38 of the Islamic Penal Code, enacted in 2013, can be mentioned. In fact, the reduction of penalties or the modification of their type at the sentencing stage by judges is one of the mechanisms that adapts criminal justice responses to the characteristics of offenders and the realities of crime and victimization, which has been introduced into the criminal justice system due to the connection between criminology and criminal law. In this article, the Iranian criminal policymaker, considering criminological teachings, has identified criteria for reducing or modifying penalties, which should receive more attention from judges (Niazpour, 2013).

Identifying the mechanisms and practices of Iranian legislators in this regard, as well as their examples, can clarify, on the one hand, the dimensions of penalty reduction or modification and, on the other hand, highlight its importance in making criminal justice measures more effective. Overall, the provision of criminal institutions in the aforementioned law has various functions, with educational, descriptive, and political aspects being among the most important. The legislator, through the identification of crimes and the introduction of responsive mechanisms, seeks to present the core values of society, the state of protection for those values, and to determine the level of individual rights and freedoms. From this perspective, recognizing penalty reduction mechanisms in this law demonstrates how the legislator seeks to address crime and what the criteria for penal tolerance are. In fact, the legislator, by introducing criteria for penalty reduction, outlines examples of behaviors that violate non-negotiable values and defines the conditions for maintaining security and safeguarding public opinion. It is evident that criminological findings play a crucial role in shaping these mechanisms, as they transform the nature and effectiveness of criminal justice mechanisms within the penalty reduction institution.

Considering these points, judges can decide to reduce penalties when the provocative role of the victim in triggering the crime becomes apparent. It is evident that this criterion is rooted in theoretical criminology, which seeks to identify the influencing factors in crime. Although various and appropriate rulings have been issued by judges based on the above points, there is still a lack of sufficient awareness and transparency among judicial actors regarding criminological concepts, and this issue requires more attention. It seems that the Iranian legislator, by recognizing early victimology teachings in Article 38 of the Islamic Penal Code, intends to expand the scope of penalty reduction and give judges the authority to consider the victim's role in the process of crime formation, thereby providing greater flexibility in adjusting punishments.

Thus, criminological findings have always influenced criminal policy-making and, more specifically, the criminal sanction system, sometimes driving legislators toward policy changes or the recognition of emerging tools (Sutil et al., 2009, p. 198). Accordingly, familiarity of judges with criminological teachings plays an essential





role in the precise application of these teachings in making criminal judgments more realistic, as the penalty reduction mechanism entrusted to judges is also rooted in criminological findings. Therefore, their familiarity with the criminological aspects of this mechanism can lead to its correct and appropriate use.

2.3. Imported Criminological Theories

Currently, most criminological theories originate from English-speaking countries in the Global North, where the majority of academic journals and universities are located. This global social organization of knowledge has established an intellectual hegemony largely based on the experiences of these "First World" or "Western" societies (Carrington, 2017). As a result, countries like Iran witness the introduction of these theories without adapting them to the social, cultural, religious, and national contexts. In response to this challenge, "indigenous criminology" has emerged as a critical approach (Karamati Moez, 2024).

In Iran's criminal policy, there is a tendency to adopt criminological theories without paying attention to the contexts and conditions under which these theories were born. What drives this tendency? The way criminology is taught in Iran may be one of the reasons. Criminology is a positivist science that requires mastery of research methods, which are not taught in legal education.

The negative consequences of imported criminological theories are inevitable, and I will address some of them. One of the most significant drawbacks of these imported theories is that they are often misused to serve the interests of the comprehensive cultural and ideological beliefs of the society where the theory was developed. These theories are imposed from above without considering the objective, subjective, and social conditions of our country. On the other hand, these theories may be subject to misappropriation or instrumental use.

Another challenge posed by imported theories is the dogmatic adherence to them in academic institutions, which results in ignoring realities, becoming trapped by the theory, or worse, equating the theory with reality. These false equivalences legitimize controversial institutions and concepts, leading to an acceptance of the status quo as desirable. This problem creates a larger issue: the shutdown of critical rationality.

2.4. Punitive Culture of Society

Reports from many countries over the past few decades indicate that people have become more punitive and are less supportive of rehabilitative programs, demanding harsher responses to crime (Miyazawa, 2008). This demand for punishment is reflected in the increase of long-term incarcerations.

In some countries, life imprisonment has been introduced as a response to a wide range of offenses, far exceeding its traditional use for first-degree murder. This has led to a significant increase in the number of prisoners sentenced to life due to the implementation of "truth-in-sentencing" policies, mandatory minimum sentences, and two- and three-strikes laws. These policies have shifted the focus from the offender and individualized sentencing to the severity of the crime and deterrent punishments, or perhaps, the focus on punishment has never deviated.

Examinations, reflections, and the expectations of both the public and the elite as communicated to the judiciary reveal that "with most criminals, regardless of the type of crime, legal action should involve imprisonment." In some cases, law enforcement officers express dissatisfaction with the actions of judges, criticizing the judiciary for releasing criminals after they are arrested, stating, "We are the bad guys, and they are the good guys" (Mirkhalili & Yaghoubi, 2017). This perception has led to a stricter approach toward crime, resulting in harsher and more severe punishments. The principles of proportionality, consistency, and certainty punishments negate leniency, early release, and tolerance for offenders, resulting in the definitive execution of punishments and an increase in the prison population, which some perceive as harsher punishment (Davoodi Germaroudi, 2007).

Retribution, in the form of punishment, is one of the foundational elements of criminal sentencing decisions. Retribution is a philosophy of punishment that focuses not on the offender or their personal circumstances, but on the criminal act itself. If a crime is committed, the offender is punished with a painful consequence, at least equal to the harm caused by the crime, to restore the imbalance created by the offense. The goal is to deter the offender from committing similar acts again and to discourage others from engaging in such behavior (Najafi Abrandabadi & Hashem Biki, 2022).





Currently, our society is inclined toward punitive measures and harsh treatment of offenders, which has discouraged judges from applying community-based punishments. In other words, the social acceptance of punishment within society influences judges' willingness or reluctance to choose certain types of criminal responses (Pour Gharamani & Negahedar, 2018). The decision-makers in the legal system are not entirely influenced by the legal culture of society; other factors also affect the legal culture of judges, lawyers, law enforcement, and legislators. These elites can develop their own distinct legal culture. However, societal punitive tendencies also influence judges, leading them to impose imprisonment in line with public opinion, contributing to the increase in the prison population.

2.5. Lack of Training in Criminological Research Methods

Methodology refers to the scientific approach typically carried out through "study" or "research." Study involves the application of mental effort to acquire knowledge and learning. "Research" refers to a precise and meticulous search that requires careful and conscious investigation, particularly through empirical inquiry, to discover or interpret realities (Rayejian Asli, 2022).

Accordingly, it has been said that research requires the use of thought and reflection (study). However, unstructured and unsystematic thinking will not lead us to our goal. Instead, thought must be calculated, measured, and systematic (Shayan, 2010), which is precisely what "research" in criminology, particularly emphasizes.

Thus, criminological methodology requires both study and research, relying on quantitative and qualitative data—the most common methods of data collection in criminology. Qualitative and quantitative data may be considered alternatives, but in reality, criminological research combines these two methods to gain both a more precise understanding and a broader, more comprehensive knowledge (O'Brien & Yar, 2008). A review of the curriculum for law undergraduates shows that research methods are not assigned specific courses. At the graduate and doctoral levels, the situation is not much different. Even when a research methods course exists, only a few professors possess the knowledge required to teach it. Most professors who teach this course lack the necessary teaching skills in

research methodology. This issue has had two significant consequences for criminology in Iran. First, criminology courses and lessons are limited to teaching theories. In other words, in Iran, we often do not reach theories from real issues; instead, we fit theories onto real events. Thus, we see universities as detached from social problems. Second, except for a few individuals knowledgeable about research methods, it is impossible for the legal community to conduct empirical and field research on various social harms. This deficiency is less evident among psychology and sociology specialists. The problem, however, is that they lack legal knowledge, which limits their awareness of various legal crises. The aforementioned issues have caused criminological theories to dominate without consideration for the conditions in Iran. Based on the prevailing dominance of each theory at different times, various master's theses

and doctoral dissertations have been written, but their benefit to society is often unclear. A glance at the titles of

theses and dissertations over time reveals this trend.

There was a time when social defense theories were the

basis for selecting theses. Then, following the failure of

the reform and rehabilitation movement and the

implementation of incarceration for reform and

rehabilitation, alternative sentences or community

punishments became the basis, mirroring changes that

occurred in other countries.

3. Solutions for Applying Criminological Teachings in Iranian Public Criminal Law

The application of criminological teachings in Iranian public criminal law can significantly enhance the effectiveness and efficiency of the criminal justice system. In this regard, several strategies can be effective, which will be discussed in this section.

3.1. Localization of Criminological Teachings

Few doubt the importance and necessity of localizing criminology, especially given the expectations created by the discourse of localization in criminology. These expectations include empowerment, efficiency, effectiveness, and the ability of modern criminological theories to control delinquency. As Emile Durkheim famously said: "If sociology cannot solve the problems of society, an hour of thought on it is worthless." Similar expectations are held for criminology because the





possibility or impossibility of localization is intertwined with concerns about the effectiveness of conventional criminology. The efficiency of indigenous criminological theories is directly linked to governance and their effectiveness can only be achieved when they are aligned with the cultural, social, and historical components of the country (Sohrabi Asmerod & Najafi Tavana, 2022).

This new approach in criminology emphasizes the importance of understanding local perspectives and the representation of indigenous criminologists within different criminal justice systems. It affirms the importance of culture, law, custom, and ethics in developing criminal justice policy and conducting criminological research (Karamati Moez, 2024). Localization of criminological teachings means adapting and using criminological principles and theories by considering Iran's specific cultural, social, and economic structures. This process can have a positive impact on Iranian public criminal law and help improve the effectiveness of the criminal justice system.

Recognizing and respecting local cultures, values, and traditions in designing and implementing criminal justice policies is crucial. For example, in some regions of Iran, family and tribal values play a significant role in people's lives, and these should be taken into account in crime prevention policies and the administration of justice. Additionally, revising and amending criminal laws based on the cultural, social, and economic characteristics of different regions in the country can include modifications to existing laws or the creation of new ones. Adapting criminological teachings to local cultures and values can increase public trust in the criminal justice system, as people will feel that the system is in alignment with their needs and values.

3.2. Importance of Criminological Studies, Field Interviews, and Statistical Research

Until criminologists have knowledge of the statistical, cultural, and judicial realities of delinquency in the country, they cannot be expected to propose criminological solutions to control crime. Crime causation and the provision of preventive measures cannot rely solely on library studies and theoretical research; they require field studies, interviews, and statistical research, while considering subcultures and the dominant values of the target society (Karamati Moez, 2024).

Educating law graduates in empirical methods, and thus embedding an empirical approach as one of the predominant approaches to social reaction, requires training a generation of students who then enter legal professions. As a result, reforming the legal education curriculum is a time-consuming process. In the short term, to benefit from the advantages of an empirical approach to social reaction, it is essential to train the executive personnel of the judiciary who are on the front lines of dealing with offenders and individuals subject to social reactions. Both officials and employees must be trained in this regard. At the management level, judicial officials and managers must first become familiar with the potential application of the empirical approach to social reaction on a foundational level. In this stage, it should be emphasized that the empirical approach does not conflict with the principles of Sharia, which is the source and basis of the Iranian legal system; rather, it is endorsed by Sharia. The benefits of the empirical approach to social reaction should then be explained. At this stage, managers and officials will understand that improving the performance of the criminal justice system and identifying the strengths and weaknesses of social reactions can only be achieved through the empirical approach. This approach allows for the measurement of how well each social reaction meets its intended goals (Kebriti, 2022).

For example, in the case of preventive and rehabilitative measures for children as outlined in Article 88 of the Islamic Penal Code of 2013, the deterrent and corrective effectiveness of these legal measures can only be evaluated through an empirical approach. Future legal reforms based on criminological empirical sciences will also be more effective through this approach. If a child or adolescent repeatedly engages in similar anti-social behaviors and each time the court, without considering the child's background, returns them to their parents under Clause A of the article, or advises them according to Clause P of the same article, it is natural that such reactions will embolden the child or adolescent offender. Therefore, accurately recording information about children and adolescents, even if it does not constitute a formal conviction, is crucial for making informed judicial decisions and evaluating the effectiveness of these measures. This should not be considered an insignificant issue.





Moreover, the possibility of predicting rehabilitation in the application of deferment and suspension institutions, as mentioned in Clause B of Article 40 of the Islamic Penal Code of 2013, can be assessed using statistical findings. Questions such as what age group, family background, or upbringing conditions predict the likelihood of rehabilitation after committing certain crimes, and what preventive measures accelerate the rehabilitation process and reintegration of offenders, can all be determined through an empirical and statistically-based approach.

3.3. Raising Judges' Awareness of Criminology and Implementing Modern Penalties

Based on the findings of the research, one of the most significant obstacles to applying criminological teachings and using modern and social penalties in Iran is the public's lack of awareness of the objectives, functions, and rationale behind these penalties.

Experts have noted that due to a lack of awareness and poor communication, coupled with the public's inclination toward punitive measures in Iranian society, these actions are not perceived as valid punishments by citizens. When citizens do not believe that the judicial system is punishing criminals and view it with skepticism, their positive attitude towards the judiciary gradually diminishes (Perchami & Derakhshan, 2019).

There is no doubt that judicial officials, through various forms (directives, speeches, and circulars), have repeatedly emphasized the importance of reducing the use of imprisonment. However, the real question is whether the necessary mechanisms exist to implement these prison reduction policies and thereby decrease the prison population. Additionally, it remains uncertain whether the spirit of the judiciary aligns with this policy. Findings indicate that in practice, the policy of reducing imprisonment faces significant challenges. It seems that for the policymakers of the judicial system, reducing imprisonment is appealing in theory, but implementing it holds little practical allure (Pourmohi Abadi et al., 2018). If a judge adopts modern or alternative penalties, they are often labeled as lenient, and in some cases, a lenient judge is deemed unsuitable for the judiciary.

This observation reveals that the dominant punitive and imprisonment-centric approach prevails within the judiciary (Nazerzadeh Kermani & Emami Ghafari, 2014). This is also evident from the report number 43/16/8578

by the Head of the Prison Inspection Office, which was issued following several circulars recommending the avoidance of imprisonment sentences. The Prison Organization's office reported to the Head of the Judiciary that the majority of these circulars regarding prison and prisoners were either not implemented or were executed with deficiencies (Karami, 2016).

In such circumstances, the punitive organizational culture within the judiciary serves as a decision-making model, influencing individual judges' decisions. Judges often gauge their colleagues' reactions to their rulings and avoid diverging too far from them (Mansourabadi et al., 2017). As a result, many judges refrain from issuing community-based sentences or use them minimally to avoid unpleasant reactions, including frequent reversals of their rulings.

Thus, it is essential to raise public awareness and properly educate citizens, particularly through national media and the education system. Even more important than public awareness is educating judges and eradicating their traditional views on punishment and the culture of imprisonment. It is vital to inform them about criminological teachings and the benefits of alternative penalties, as well as the harms of imprisonment. To achieve this goal, experts recommend showing judges the results of alternative penalties in other countries, providing criminology and sociology training during in-service education, arranging visits to prisons so judges can become familiar with the issues faced by prisoners and their families, and generally increasing awareness of the negative effects of imprisonment.

In terms of educating judges, it is important to enhance their ability to discern when to apply modern and alternative penalties. This means that if their social thinking and decision-making abilities are improved, and they are trained to consider the offender's circumstances, the nature of the crime, the victim's situation, and the societal context, they will be able to issue appropriate sentences. One reason why judges may not favor modern and alternative penalties is that they rely heavily on legal provisions and focus less on their own discretion.

4. Conclusion

In Iranian public criminal law, criminological teachings are regarded as one of the foundational principles of the





criminal justice system, aimed at determining crimes and penalties in accordance with criminological insights. These teachings, considering Iran's social, cultural, and legal conditions, have led to specific outcomes that require constant evaluation and revision. This underscores the importance of a comprehensive assessment of criminological teachings within Iranian public criminal law.

This article has explored the main challenges and obstacles to applying criminological teachings in Iranian public criminal law. Despite scientific advancements and successful experiences in many countries, the Iranian legal system still faces limitations that prevent it from fully utilizing modern criminological findings. Some of these challenges include the language of criminal laws and their intersection with criminological teachings, insufficient awareness and transparency among judicial actors regarding criminological concepts, the imported nature of criminological theories, the punitive culture of society, and the lack of proper training in criminological research methods.

However, these challenges highlight the urgent need for structural and legal reforms in Iran's criminal law. To overcome these obstacles, strategies such as localizing criminological teachings, emphasizing criminological studies, field interviews, and statistical research, and raising judges' awareness of criminology and modern penalties are essential. Additionally, expanding interdisciplinary research and learning from the successful experiences of other countries can help pave the way for the adoption of criminological teachings in Iran.

Ultimately, the acceptance and application of criminological teachings in Iranian public criminal law could lead to the development of a more effective criminal justice system—one that focuses not only on punishment but also on crime prevention and the rehabilitation of offenders. By implementing these changes, there is hope for the establishment of greater social justice in the country and more effective crime prevention.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

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