

OPEN PEER REVIEW

Decriminalization of Criminal Justice through the Exclusion of Judicial Processes in the Trial of Juvenile Offenders in Contemporary Iranian Social System

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1. Round 1

1.1. Reviewer 1

Reviewer:

The discussion on the failure of traditional punitive measures is valuable but could be strengthened with more empirical evidence or specific examples from contemporary juvenile justice systems. Consider citing studies or reports that highlight the failure of punitive methods in juvenile justice.

The term "restorative approach" is introduced, but it would be beneficial to briefly explain what constitutes a "restorative or corrective approach" to juvenile justice. Clarifying this will aid readers in understanding the core of the article's argument.

The definition of criminal justice is provided, but it lacks an explanation of how this definition contrasts with juvenile justice. The connection between general criminal justice and the treatment of juveniles should be more explicitly drawn.

The article discusses decriminalization in relation to the Iranian Constitution but fails to explain why this connection is crucial for understanding the broader context. Consider expanding this section to explain how constitutional principles guide criminal policy and how they intersect with juvenile justice.

The statement that "decriminalization may be achieved in form, but the substantive judicial functions remain" needs further elaboration. The article would benefit from examples or a more detailed discussion of how decriminalization might manifest in practice without truly reducing judicial involvement.

The concept of "absolute decriminalization" is mentioned, but the term should be defined more clearly. How does absolute decriminalization differ from relative decriminalization in the context of juvenile offenders?

The discussion on "probation" could benefit from a more in-depth examination of the pros and cons of probation in juvenile justice systems. Are there any notable case studies or statistics that demonstrate its effectiveness or drawbacks?

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The phrase "decriminalization in its broad sense" is somewhat vague. It would be helpful to provide a more precise explanation of decriminalization in both a legal and social context. Additionally, a distinction between "decriminalization" and "diversion" should be clearly made.

The historical context of decriminalization is mentioned, but the citation of "Enrique and Frey" lacks sufficient detail. Please include full information on the origins of this concept, including key publications and dates, to lend authority to the claim.

The statement "decriminalization offers significant benefits for all criminal justice agencies" is unsubstantiated. It would be beneficial to back this claim with specific examples or data that demonstrate how decriminalization benefits criminal justice agencies.

The introduction of restorative justice in this section is crucial but could be further developed. Consider providing an overview of key restorative justice practices and how they have been implemented in juvenile courts globally to provide a comparative analysis.

The sentence "One of the fundamental principles of juvenile justice is the discretionary power to suspend proceedings" could be expanded by discussing the legal or ethical considerations surrounding the discretionary power of judges. How does this power interact with the rights of the accused and the needs of society?

The mention of "individualizing punishment" should be better explained. What does this mean in practice for juvenile offenders, and how does it align with decriminalization principles? A clearer definition of "individualized punishment" would enhance the argument.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.