

The Evolution of the Concept of Criminal Justice from Punishment-Centeredness to Dejudicialization: A Study on the Functions of Restorative Justice

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Throughout its historical development, criminal justice has evolved from a punishment-centered system toward more humane and reconstructive approaches. The purpose of this study is to explain the role and functions of restorative justice in this transformation and to examine its capacity in advancing dejudicialization policies within the contemporary criminal justice system. Within the theoretical framework, restorative justice is introduced as an alternative model to the classical punitive system, seeking to shift the focus from punishing the offender toward restoring social relations, compensating the victim's losses, and promoting community participation in conflict resolution. The research method is descriptive-analytical, based on documentary analysis and conceptual interpretation of historical and criminological texts. Data were collected from both domestic and comparative criminal law sources and interpreted through a theoretical inference method. The findings indicate that restorative justice, through mechanisms such as mediation, arbitration, and voluntary compensation, can not only reduce judicial interventions but also perform diverse legal and social functions in rebuilding public trust and alleviating the burden on the criminal justice system. Accordingly, restorative justice should not merely be viewed as a substitute for punishment but as an evolutionary stage in the transformation of the concept of criminal justice toward dejudicialization.

Keywords: *restorative justice, criminal justice, dejudicialization, criminal policy, historical evolution*

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1. Introduction

Criminal justice is one of the most fundamental concepts in public law, particularly within criminal legal systems, as it has always reflected a society's understanding of social order, responsibility, human dignity, and state authority. Over time, this concept has undergone significant transformations, shifting from a retributive and punitive conception of justice toward more humane and participatory paradigms (Braithwaite, 1989; Zehr, 2002). In traditional models of criminal

justice, grounded in the principle of *punishment as the ultimate goal of justice*, crime was perceived solely as a violation of the law, and the essential purpose of justice was the punishment of the offender through coercive means and the exercise of state power. In this sense, classical criminal justice sought justice through punishment, with its legitimacy defined by the proportionality between the offense and the punishment (Najafi Abrandabadi, 2016).

However, the experience of criminal justice systems in the twentieth century challenged this punitive



orientation. Rising crime rates, prison overcrowding, recidivism, failure to rehabilitate offenders, and victims' growing distrust toward formal justice institutions collectively questioned the efficacy of punishment-centered theories (Braithwaite, 2006). In this context, new discourses emerged within criminology and the philosophy of criminal law, redefining justice not through retribution and repression but through the restoration of human and social relations damaged by crime (Van Ness & Strong, 2014; Zehr, 2011). Among these discourses, *restorative justice* became a transformative paradigm that reoriented criminal justice from *state-centered* toward *community-centered* approaches (Zehr, 2012).

Restorative justice is founded on the principle that crime is not merely a violation of law but rather harm inflicted upon individuals and social relationships. Consequently, the appropriate response to crime should not be limited to punishment but should include reparation, dialogue, and the active participation of the offender, the victim, and the community (Bazemore & Umbreit, 2001; Umbreit, 2001). Rooted in ancient traditions of reconciliation, mediation, and arbitration, restorative justice emerged as a structured and systematic component of modern criminal policy and judicial reform toward the end of the twentieth century (Dignan, 2005). Within this framework, criminal response is no longer confined to rigid, formal, and judicial mechanisms but extends to flexible, community-based processes such as victim-offender mediation, community panels, family group conferences, and voluntary restitution agreements (Van Ness & Strong, 2014).

The emergence and expansion of restorative justice within criminal policy constitute one of the main foundations of *dejudicialization*. Dejudicialization refers to reducing the intervention of formal judicial institutions in dealing with minor offenses and transferring conflict resolution to nonjudicial mechanisms (Najafi Abrandabadi, 2016). In this regard, restorative justice serves a dual function: on the one hand, reducing the number of cases entering courts, and on the other, enhancing the efficiency, trust, and social satisfaction derived from the justice process (Braithwaite, 2006; Zehr, 2012). Thus, the connection between restorative justice and dejudicialization represents not merely a theoretical framework but also

a practical necessity for reforming contemporary criminal justice systems.

The shift from punishment-centered to dejudicialized justice represents a paradigmatic change in the very notion of justice—one grounded in respect for human dignity, dialogical rationality, and social responsibility (Van Ness & Strong, 2014). This transformation redefines criminal justice from an instrument of state authority to a mechanism for repairing damaged relationships. From this perspective, restorative justice is not a replacement for criminal justice but rather an evolutionary stage in its philosophical development—a stage in which the ultimate goal is not punishment but the restoration of social balance (Zehr, 2002).

Given the current challenges faced by Iran's criminal justice system—such as lengthy judicial procedures, case accumulation, victims' dissatisfaction, and the high cost of prison administration—addressing the functions of restorative justice and its potential for dejudicialization assumes particular importance (Javan Ja'fari Bojnourdi & Khabbazi Khader, 2022). Moving beyond an exclusive focus on punishment and embracing restorative approaches could alleviate structural deficiencies and pave the way for the reform of Iran's criminal policy (Najafi Abrandabadi, 2016). Accordingly, this article, through a descriptive-analytical method and the study of historical, theoretical, and comparative sources, examines the evolution of criminal justice from punishment-centeredness to dejudicialization and explores the role of restorative justice in this transition. The aim is to elucidate the theoretical foundations of this transformation, identify the practical functions of restorative justice in reducing judicial intervention, and present an efficient model for Iran's criminal policy to achieve humane and effective justice.

2. Theoretical Foundations of Restorative Justice

Restorative justice represents a philosophical framework that offers an alternative way of thinking about crime and justice, introducing a new perspective on both the nature of crime and society's response to it (Gholami, 2011). According to Johnston and Van Ness, restorative justice is a broad and, to some extent, indeterminate concept, lacking a universally agreed-upon definition among scholars (Van Ness & Strong, 2014). Nevertheless, several influential thinkers have provided guiding definitions. Tony Marshall, for

instance, defines restorative justice as “a process through which all parties affected by a specific offense come together to collectively decide how to deal with the aftermath of the offense and its implications for the future” (Najafi Abrandabadi, 2016). Similarly, Walgrave defines it as “any action primarily directed toward doing justice by repairing the harm caused by crime” (Van Ness & Strong, 2014). According to Zehr, “crime is an offense against people and interpersonal relationships that creates an obligation to repair the harm that has been done” (Zehr, 2002).

From a theoretical standpoint, the transformation of the concept of criminal justice reflects the transition of penal thought from the paradigm of “punishment-centeredness” to that of “restoration and social participation” (Braithwaite, 1989; Dignan, 2005). In the classical era, criminal justice rested on deterrence and retribution, treating crime as a violation of public order and responding through the infliction of pain upon the offender (Abbasi, 2003). The Beccarian notion of proportionality between crime and punishment emphasized rational deterrence as the ultimate purpose of punishment. Yet, this approach led to a rigid and dehumanized system that marginalized the victim and concentrated justice in the hands of a punitive state.

In the second half of the twentieth century, restorative justice emerged as a critical response to this punitive structure, emphasizing the restoration of human and social relationships damaged by crime (Braithwaite, 2006; Zehr, 2012). Zehr describes this conceptual shift as “a fundamental change in the understanding of crime”—a view that regards crime not merely as a legal violation but as harm to people and communities, requiring restoration rather than punishment (Zehr, 2011). Through dialogue, offender accountability, and victim satisfaction, restorative justice fosters a form of dejudicialization that transfers conflict resolution from the rigid judicial sphere to community and social settings (Bazemore & Umbreit, 2001; Umbreit, 2001).

In Iranian criminal law scholarship, a similar orientation can be observed in the context of dejudicialization and restorative justice. Najafi Abrandabadi conceptualizes dejudicialization as “a gradual shift from state-centered penal responses toward participatory social reactions,” emphasizing the growing role of civil society in the realization of justice (Najafi Abrandabadi, 2016). From this viewpoint, the theoretical foundation of restorative

justice, linked to dejudicialization, represents an effort to balance individual rights, collective interests, and the efficiency of justice systems—transforming criminal justice from a purely punitive framework into a humane and effective structure (Van Ness & Strong, 2014).

The twentieth-century evolution of criminal justice thus reflects a gradual revolution in how crime, offenders, and victims are conceptualized (Braithwaite, 1989; Christie, 1977). While classical thought, rooted in Enlightenment rationalism, emphasized deterrence and proportional punishment, modern restorative thought replaced coercion with communication and reconciliation (Braithwaite, 2006; Zehr, 2002). Restorative justice draws upon communicative ethics and interpretive understandings of justice, redefining crime as a rupture in human relationships requiring moral dialogue and repair (Van Ness & Strong, 2014).

From a policy perspective, restorative justice ensures justice for victims through recognition and restitution, while simultaneously reducing the judicial workload and promoting dejudicialization (Javan Ja'fari Bojnourdi & Khabbazi Khader, 2022; Najafi Abrandabadi, 2016). Mediation, voluntary participation, and reconciliation thus become the operational tools of justice (Bazemore & Umbreit, 2001; Umbreit, 2001). In sum, restorative justice serves as the connecting bridge between formal criminal justice and dejudicialization policies—a model that not only alleviates judicial congestion but also rebuilds social legitimacy and trust in the justice system (Braithwaite, 1989; Zehr, 2011).

From this theoretical foundation, it can be concluded that the evolution of criminal justice from punishment-centeredness to dejudicialization reflects a shift from an *authority-based logic* to a *relationship-based logic* (Van Ness & Strong, 2014). Whereas traditional justice conceived the state as the sole embodiment of justice, contemporary justice embraces a participatory and dialogical model realized through communication, restitution, and social engagement. This transformation—anchored in restorative justice theory (Zehr, 2002) and balanced criminal policy (Najafi Abrandabadi, 2016)—positions modern criminal justice not as a system of punishment, but as a mechanism for alleviating penal inflation and restoring the social legitimacy of justice (Braithwaite, 2006; Christie, 1977).

3. Dejudicialization

The timely adjudication of disputes and the issuance of rulings within a reasonable period are among the essential rights of individuals involved in judicial proceedings and are key conditions for ensuring fair and equitable trials. However, due to the high volume of incoming cases, this principle is often neglected in judicial practice. The judiciary's chronic shortage of human resources and the excessive caseload constitute two of its major structural challenges, as also noted in the *Judiciary Transformation Document No. 100/139235/9000-12/20/2020*, ratified on December 20, 2020. Under such conditions, the concept of *dejudicialization* gains significance.

In general terms, dejudicialization refers to the process of reducing or eliminating dependence on the formal judicial system in order to prevent legal complexities and procedural congestion, particularly in minor or less serious disputes (Najafi Abrandabadi, 2016). The primary goal of dejudicialization is to reduce the workload of courts and enhance the efficiency of the justice system. This objective is achieved through alternative mechanisms such as restorative justice, mediation, and out-of-court settlement procedures (Umbreit, 2001; Zehr, 2002). Rather than relying exclusively on courts for dispute resolution, dejudicialization promotes informal, flexible solutions that minimize litigation costs and expedite justice (Bazemore & Umbreit, 2001; Van Ness & Strong, 2014).

4. The Role of Restorative Justice in Dejudicialization

Restorative justice plays a critical role in advancing dejudicialization, as it replaces purely punitive responses with approaches centered on relationship repair and compensation for harm, thereby easing the burden on the judiciary (Braithwaite, 2006; Zehr, 2012). The major contributions of restorative justice to dejudicialization include: substituting formal judicial proceedings with alternative methods, reducing recidivism, eliminating unnecessary criminalization, restoring social relationships, and fostering reconciliation and social responsibility (Najafi Abrandabadi, 2016).

Restorative justice provides mechanisms such as mediation, arbitration, and group conferences that enable disputes to be resolved before they reach court. These procedures are less time-consuming and less costly, thus reducing judicial congestion (Bazemore &

Umbreit, 2001; Umbreit, 2001). In Iran, this approach is reflected in Article 82 of the *Criminal Procedure Code*, which recognizes mediation as an official legal institution. Consequently, restorative justice acts as a substitute for formal judicial proceedings.

Furthermore, restorative justice focuses on rehabilitating offenders and addressing the root causes of crime. This emphasis can decrease reoffending rates and reduce the reentry of criminal cases into the judicial system (Braithwaite, 1989; Dignan, 2005). Another contribution is the *elimination of unnecessary criminalization*: certain minor offenses can be removed from the criminal domain and resolved through social restorative mechanisms, thereby reducing caseloads (Van Ness & Strong, 2014).

Restorative justice also prioritizes victim compensation and the rebuilding of social relations rather than mere punishment (Zehr, 2002). This orientation prevents further conflicts by healing interpersonal and communal relationships. In addition, by encouraging dialogue and interaction, restorative justice fosters a culture of reconciliation and social accountability, which can mitigate disputes and social tensions (Christie, 1977). According to Article 192 of the *Criminal Procedure Code*, such initiatives are legally applicable in Iran.

These roles demonstrate that restorative justice not only improves the quality of justice but also serves as a key strategic mechanism for reducing judicial pressure and promoting dejudicialization (Javan Ja'fari Bojnourdi & Khabbazi Khader, 2022; Najafi Abrandabadi, 2016). Accordingly, the Iranian legislature, influenced by this perspective, incorporated restorative measures such as sentence suspension and deferred judgment into the *Islamic Penal Code* and the *Criminal Procedure Code*, reflecting a growing commitment to restorative and dejudicialized justice (Abbasi, 2003; Gholami, 2011).

5. Functions of Restorative Justice in Dejudicialization

One of the central functions of restorative justice in dejudicialization is *reducing judicial workload*. In numerous cases involving minor crimes or social disputes, restorative negotiations and informal conflict resolution can prevent unnecessary trials and lengthy litigation processes, thus accelerating attention to more significant cases (Braithwaite, 2006; Zehr, 2011).

A second major function is *supporting victims and ensuring compensation for damages*. Restorative justice allows victims to participate actively in dispute resolution and to receive reparations through mutual agreements. This not only enhances victims' sense of justice but also alleviates the psychological consequences of crime (Dignan, 2005; Van Ness & Strong, 2014).

Another important function is *crime prevention*. By emphasizing behavioral reform and providing offenders with opportunities to take responsibility and repair harm, restorative justice fosters insight into the consequences of criminal behavior and reduces the likelihood of recidivism (Braithwaite, 1989; Umbreit, 2001).

The *restoration of social relationships* is also central to restorative justice. By rebuilding connections among offenders, victims, and communities, it promotes social cohesion and mutual understanding (Christie, 1977; Zehr, 2012). This process not only repairs existing harm but also prevents future conflicts by fostering empathy and reintegration.

Finally, *reducing economic and social costs* represents another significant function of restorative justice in dejudicialization. Because it emphasizes informal methods and cooperative solutions between offenders and victims, restorative justice requires fewer resources compared to punitive systems (Najafi Abrandabadi, 2016). It minimizes the need for costly infrastructure associated with prisons and lengthy trials, saving public funds while promoting sustainable community-based justice (Bazemore & Umbreit, 2001; Braithwaite, 2006).

6. Restorative Justice Tools for Reducing Judicial Intervention

6.1. Reconciliation and Settlement

Reconciliation refers to an agreement between the offender and the victim within a civil or criminal process to avoid judicial litigation and reach a peaceful or restorative resolution (Van Ness & Strong, 2014; Zehr, 2002). This mechanism is particularly applicable to nonviolent offenses, minor crimes, or family disputes and is often conducted under judicial supervision. A related restorative instrument is the *settlement agreement*—a written accord between the offender and the victim that formalizes the resolution of a dispute and

reduces the need for judicial proceedings (Umbreit, 2001).

In such agreements, the parties typically consent not to refer the matter to court, opting instead for restitution or other informal remedies. Once a settlement agreement is finalized, judicial authorities may approve it, leading to sentence reduction or even exemption from punishment (Abbasi, 2003; Braithwaite, 1989).

In some instances, offenders may agree to compensate victims financially or socially. Examples include family disputes or minor economic crimes such as petty theft or fraud, where the parties prefer to end the conflict through restitution rather than litigation (Gholami, 2011).

Under Iran's *Islamic Penal Code*, reconciliation is formally recognized. For instance, in cases involving family relations or minor nonviolent crimes, parties may choose reconciliation to close the case. Article 104 of the *Islamic Penal Code* underscores the importance of reconciliation and allows for victim forgiveness and prosecutorial waiver in specific cases (Najafi Abrandabadi, 2016).

Restorative justice also promotes *participation in reparation programs*, emphasizing both victim compensation and offender rehabilitation (Van Ness & Strong, 2014; Zehr, 2011). Accordingly, offenders may engage in community service or educational programs to address the consequences of their conduct and prevent future crimes.

Through these instruments, restorative justice provides practical, humane, and cost-effective alternatives that reduce judicial intervention while fostering accountability, reconciliation, and social harmony (Braithwaite, 2006; Javan Ja'fari Bojnourdi & Khabbazi Khader, 2022).

6.2. Support Institutions and Mediation

In some countries, mediation institutions play a significant role in restorative justice processes. These bodies help the parties reach agreements through negotiation and mediation, thereby reducing the need for formal judicial intervention (Umbreit, 2001; Van Ness & Strong, 2014).

In Iran, support and mediation institutions—integral to restorative justice and dejudicialization—play an important role in lowering the judicial caseload. These

institutions operate mainly in social, family, and criminal domains (Najafi Abrandabadi, 2016; Zehr, 2012).

- **Dispute Resolution Councils:** These quasi-judicial bodies handle simple and minor disputes through conciliation and mediation. The councils have been active since 2002 in Iran, aiming to reduce pressure on the courts and promote reconciliation between parties (Abbasi, 2003; Van Ness & Strong, 2014).

- **State Welfare Organization:** In matters such as protecting at-risk children, supporting female-headed households, and addressing family disputes, this organization provides counseling and mediation. Units such as Social Emergency Centers assist in resolving family and social issues through restorative pathways (Dignan, 2005).

- **Electronic Judicial Services Offices:** In certain instances, by offering advisory services, these offices act as intermediaries and refer simple disputes to mediation or quasi-judicial bodies (Najafi Abrandabadi, 2016).

- **Family Counseling Centers:** Established alongside family courts, these centers provide counseling to spouses and play a significant role in reconciliation and preventing divorce (Dignan, 2005; Umbreit, 2001).

- **Social Work Centers:** Operating under the State Welfare Organization or other support institutions, these centers help resolve social and family disputes using restorative methods (Zehr, 2011).

- **Private Arbitration Institutions:** These private entities offer mediation and arbitration services for resolving civil and financial disputes and can divert cases away from the courts (Van Ness & Strong, 2014).

- **Prisons and Correctional-Rehabilitative Organization:** In some cases, mediation and restorative practices are used to reform inmates' behavior and facilitate reparation for victims (Braithwaite, 2006).

These institutions aim to reduce the number of cases entering the judicial system, encourage peaceful dispute resolution, and enhance social justice. Their role in improving judicial processes has also been emphasized in the draft dejudicialization bill (Najafi Abrandabadi, 2016).

Given all of the above, a key question arises: Is *absolute* dejudicialization achievable through restorative justice? Restorative justice can create tools to reduce docket congestion and judicial workload; however, achieving absolute dejudicialization through it does not mean the complete elimination of judicial processes in all cases.

Rather, restorative justice functions as a complementary approach that reduces the need for formal judicial intervention by prioritizing the repair of harm and the restoration of social relationships between the offender and the victim (Van Ness & Strong, 2014; Zehr, 2002). In many instances where these tools are used, formal punishment may be unnecessary; however, where specific social risks are present, judicial intervention remains essential. Ideally, absolute dejudicialization through restorative justice may be attainable in certain minor offenses that align with restorative principles—provided the following approaches are earnestly pursued (Bazemore & Umbreit, 2001; Braithwaite, 2006).

7. Promoting a Restorative Justice Culture

To approach absolute dejudicialization, a culture of restorative justice must first be fostered in society and within the judicial system. When this occurs, people will prefer to resolve problems through restorative mechanisms rather than courts (Zehr, 2011). Appropriate legislation is also required: laws should be revised to grant restorative processes a clear legal foundation and, in some minor offenses, to treat settlement agreements as a lawful method of dispute resolution (Najafi Abrandabadi, 2016).

Support for nongovernmental organizations active in mediation and restorative programs is vital. By helping parties reach agreements, these organizations can prevent cases from entering the judicial system (Umbreit, 2001). In addition, suitable infrastructure must be developed—such as support networks and specialized services for dispute resolution, including preventive education and social empowerment programs—to facilitate dejudicialization. These programs should be continuously expanded so that the public turns to them prior to offending and during the earliest stages of social problems (Van Ness & Strong, 2014; Zehr, 2012).

In implementing restorative justice's role in dejudicialization, practical and common examples demonstrate how these tools reduce judicial intervention and resolve cases peacefully. Below are several applications of restorative justice that lessen judicial burden and prevent the need for formal adjudication (Bazemore & Umbreit, 2001; Christie, 1977).

- **Resolution of Juvenile Offenses:** One of the most common and effective uses of restorative justice in dejudicialization concerns juvenile cases. In some countries, including Iran, restorative models are used for lower-risk offenses such as petty theft or limited violence. For example, a youth detained for shoplifting may attend a restorative conference with family members and the shop owner. With the assistance of a mediator, the victim and the youth discuss the harm and identify ways to repair it. The outcome often involves restitution (e.g., payment or community service) and an agreement not to continue judicial proceedings (Bazemore & Umbreit, 2001; Umbreit, 2001).

- **Family Offenses and Domestic Violence:** In family matters, restorative justice can play a substantial preventive role by keeping cases out of court. When members of two families are engaged in conflict or limited violence, they may achieve a peaceful settlement through restorative processes rather than formal adjudication. For instance, spouses involved in conflict can reach agreements through mediation or a restorative conference—such as attending counseling or arranging reparation for emotional harm—obviating the need for judicial proceedings (Dignan, 2005).

- **Resolution of Minor Financial Offenses:** In many minor economic crimes or petty theft, restorative justice helps reduce the need for formal trials. Instead of going to court, the parties may use settlement processes or restitution agreements. For example, where an individual is apprehended for shoplifting, the offender and store owner might agree on restitution or participation in an educational or community service program; the case then exits the judicial track and no formal punishment is imposed (Van Ness & Strong, 2014).

- **Neighborhood or Community Disputes:** Another application involves resolving community-level conflicts. Particularly in neighbor disputes or minor interpersonal conflicts, restorative justice serves as a useful tool to prevent court referrals. Two neighbors disputing over noise or property damage can reach agreement through mediated sessions, addressing problems and agreeing on restitution or behavioral change—thereby avoiding litigation and improving their relationship (Christie, 1977).

- **Employer-Employee Disputes:** Where disagreements arise over unpaid wages, working

conditions, or termination, restorative justice offers a nonjudicial pathway. Through mediation, the parties may agree on the payment of arrears or new terms of employment without resorting to court (Van Ness & Strong, 2014).

In all these scenarios, restorative justice directly reduces judicial workload and the need for formal adjudication. By focusing on conciliation, reparation, and the restoration of social relationships, restorative methods often provide suitable alternatives to trials—especially in low-risk offenses and social disputes—thereby advancing dejudicialization and easing pressure on the judiciary (Braithwaite, 2006; Javan Ja'fari Bojnourdi & Khabbazi Khader, 2022; Zehr, 2012).

8. Challenges and Barriers to the Implementation of Restorative Justice in Iran

The implementation of restorative justice within the framework of dejudicialization in Iran, as in other countries, faces several challenges and barriers that significantly affect its effectiveness (Najafi Abrandabadi, 2016; Van Ness & Strong, 2014). Some of the most critical challenges are outlined below.

One major challenge is resistance to cultural and legal change. In some countries, including Iran, the traditional justice system is fundamentally punitive, and acceptance of restorative justice—which emphasizes reparation and the rebuilding of social relations—often encounters resistance (Gholami, 2011; Zehr, 2012). Implementing this new approach requires cultural reform, public education, and changes in the mindset of judges, lawyers, and other justice professionals (Dignan, 2005).

Another key challenge is the lack of knowledge and training in restorative justice. Many individuals active in the judicial system (judges, lawyers, and court staff) are unfamiliar with its principles. This lack of understanding can hinder effective implementation. Overcoming this challenge requires nationwide education and awareness-raising programs (Abbasi, 2003; Umbreit, 2001).

Legal and structural constraints also pose significant barriers. Certain existing laws may not align with restorative principles, as they are designed to emphasize punishment and restrict informal procedures such as mediation (Van Ness & Strong, 2014). In such cases, legal reform is essential to ensure that restorative

mechanisms are properly recognized and integrated into the justice system (Braithwaite, 2006).

Another major obstacle is limited financial and human resources. Restorative justice programs require specialized professionals and adequate funding. In developing countries like Iran, financial limitations and a shortage of qualified mediators and facilitators often reduce program quality and efficiency (Javan Ja'fari Bojnourdi & Khabbazi Khader, 2022; Najafi Abrandabadi, 2016).

Lack of trust in informal processes represents another critical challenge. In societies where the rule of law is closely associated with formal adjudication, there may be skepticism toward informal methods such as mediation and negotiation. This distrust can discourage individuals from using restorative approaches and undermine their effectiveness (Christie, 1977; Zehr, 2002).

Finally, practical implementation issues at the community level remain a challenge. In some cases—particularly with more serious crimes—parties may be unwilling to participate in restorative processes, perceiving them as inadequate or unfair. Additionally, public confidence in the outcomes of these procedures is still developing in Iran (Braithwaite, 1989; Van Ness & Strong, 2014).

Despite these challenges, restorative justice remains a valuable instrument for reducing the burden on the judiciary and strengthening social relationships through dejudicialization. To succeed, extensive cultural, educational, and legislative reforms are needed at the national level.

9. Strategies for Expanding Restorative Justice to Promote Dejudicialization

Several policy programs and recommendations can be proposed to expand restorative justice in line with dejudicialization objectives (Najafi Abrandabadi, 2016; Zehr, 2012).

1. Enacting Supportive Legislation: Specialized laws should be developed and implemented to institutionalize restorative justice as an alternative to traditional criminal procedures in appropriate cases. New legislation should clearly define the role of restorative justice in addressing nonviolent offenses and include detailed provisions on mediation, reconciliation, and alternatives to imprisonment (Dignan, 2005; Van Ness &

Strong, 2014). Recommended actions include the formation of a specialized parliamentary task force to evaluate restorative justice frameworks, drawing upon experiences from countries such as New Zealand and Canada, and revising existing laws such as Articles 64 and subsequent provisions of the *Islamic Penal Code* regarding alternatives to incarceration (Braithwaite, 2006).

2. Developing Mediation and Arbitration Institutions: Specialized centers should be established to facilitate restorative processes—such as mediation between victims and offenders—through independent mediation units in each province under the supervision of the Judiciary or the Dispute Resolution Councils (Umbreit, 2001). These centers could handle minor criminal cases, family disputes, and social conflicts. Funding, infrastructure development, and training of professional mediators through specialized courses are essential, as is collaboration with NGOs to help manage these centers (Javan Ja'fari Bojnourdi & Khabbazi Khader, 2022).

3. Public and Professional Education: Comprehensive training programs should be offered to judges, lawyers, and social workers, while public awareness campaigns can educate citizens about the benefits of restorative justice (Abbasi, 2003; Gholami, 2011). Regular workshops organized by the Judiciary and universities, educational materials (booklets, videos, webinars), and integration of restorative justice topics into law and social science curricula are recommended (Van Ness & Strong, 2014).

4. Strengthening Cooperation Between Governmental and Nongovernmental Organizations: Restorative justice initiatives can be enhanced by leveraging the capacities of NGOs and community institutions (Zehr, 2011). Encouraging NGOs, local councils, and social service centers to implement restorative programs, creating digital platforms for tracking restorative cases, and signing memoranda of understanding between government and civil organizations for financial and logistical support are essential measures (Braithwaite, 2006).

5. Continuous Research and Evaluation: Ongoing research is vital for identifying the impacts and improving the processes of restorative justice (Najafi Abrandabadi, 2016). Establishing research departments at universities and legal institutes, publishing annual

reports on restorative justice outcomes, and studying international best practices—particularly from Canada and New Zealand—can strengthen Iran’s restorative justice framework (Van Ness & Strong, 2014; Zehr, 2002).

These strategies can help institutionalize restorative justice as a central component of dejudicialization policies in Iran. Drawing on both national legislation and international models, such as those from Canada, New Zealand, and Norway—where restorative programs in youth and minor offense cases have led to reduced recidivism and increased victim satisfaction—can support its successful expansion (Bazemore & Umbreit, 2001; Braithwaite, 1989).

Ultimately, the expansion of restorative justice as a public policy not only contributes to crime reduction but also enhances social cohesion, increases public trust, and lowers judicial and economic costs. Achieving these outcomes requires robust legal support, community participation, and the strengthening of related institutions (Javan Ja'fari Bojnourdi & Khabbazi Khader, 2022; Zehr, 2012).

10. Conclusion

The historical and theoretical analysis of criminal justice reveals that over the past four decades, this concept has undergone a profound transformation—from a logic of *punishment as an instrument of retribution and deterrence* to *justice as restoration, participation, and social reconstruction*. This paradigmatic shift represents not merely a change in judicial procedures or criminal policies, but a fundamental redefinition of the philosophy of justice itself. Classical criminal justice was grounded in instrumental rationality: crime was viewed as a violation of law, and the state was regarded as the guardian of public order and the sole embodiment of justice. Cesare Beccaria, in his seminal work *On Crimes and Punishments*, emphasized the principle of proportionality between crime and punishment, arguing that the aim of punishment should be deterrence rather than vengeance. This Enlightenment-based model contributed to the formation of a formal justice system in which the victim’s role diminished and justice became monopolized by the state. Over time, the expansion of judicial bureaucracy, increasing litigation costs, and the system’s failure to reduce recidivism exposed the inefficiency of punitive justice. The experiences of

countries such as the United States, Canada, and New Zealand during the 1980s and 1990s demonstrated that purely punitive responses failed to restore public security and, instead, led to offender alienation, declining social trust, and the rise of “control-oriented justice.”

Against this backdrop, restorative justice emerged as an ethical, social, and philosophical approach aimed at rebuilding community ties and engaging all stakeholders in the justice process. Howard Zehr describes this transformation as a “shift of the center of gravity of justice from the state to the community.” Within this model, crime is not merely a legal phenomenon but a human and relational event, in which the *offender, victim, and community* form the core triad of justice. This perspective rests on three fundamental principles: first, recognizing and compensating the victim’s harm as the central purpose of justice; second, emphasizing the offender’s accountability for the consequences of their actions; and third, encouraging community participation in reintegration and social repair. According to theorists such as John Braithwaite and Antony Duff, restorative justice represents a form of *communicative justice* based on dialogue and mutual accountability rather than coercive power. Confronting crime, therefore, ceases to mean eliminating the offender and instead becomes an opportunity for moral and social reconstruction. Through mechanisms such as victim–offender mediation, restorative dialogue, youth justice circles, and community-based reconciliation, this theory repositions justice within its social context and paved the way for a policy now known as *dejudicialization*.

Dejudicialization does not signify the abolition of justice but rather the redistribution of its functions. Implemented across various systems in forms such as mandatory mediation, prosecutorial suspension, and community arbitration, its purpose is to reduce the state’s dominance over criminal processes and delegate aspects of conflict resolution to social and informal institutions. This approach simultaneously lessens the judiciary’s workload and expands opportunities for community engagement in justice. In Iran, traces of this transformation have become increasingly visible in recent years. The *Criminal Procedure Code* (2015) introduced restorative mechanisms such as Article 82 (criminal mediation) and Article 84 (suspension of prosecution with the victim’s consent), embedding restorative principles within formal justice. Likewise, the

Dispute Resolution Councils exemplify the practical implementation of dejudicialization by handling minor cases through social and consensual methods. As noted by contemporary Iranian legal scholars, dejudicialization in Iran must be viewed not merely as an administrative reform but as a *philosophical shift in criminal policy*, elevating criminal justice from punitive enforcement to humane and rehabilitative justice.

Practically speaking, restorative justice and dejudicialization have produced demonstrable benefits for criminal justice systems worldwide. Comparative studies show that restorative programs reduce recidivism, increase victim satisfaction, and significantly lower the public costs of justice. Moreover, these programs facilitate offender reintegration by involving them in understanding, apologizing for, and repairing the harm caused, rather than subjecting them to coercive punishment. Within the theoretical framework of this study, restorative justice seeks to construct a *balanced criminal policy*—one that preserves the preventive function of criminal justice while enabling the moral reconstruction of society. As David Garland observes, such policy represents an attempt to maintain equilibrium between *penal security* and *the social legitimacy of justice*. Achieving this balance requires judicial training, the institutionalization of professional mediation, and the strengthening of the victim's position within the justice process.

In conclusion, the transformation of criminal justice from punishment-centeredness to dejudicialization results from the convergence of three intellectual currents: first, the critique of instrumental rationality in classical criminal justice; second, the emergence of restorative justice as a new moral and social paradigm; and third, the rise of participatory criminal policy grounded in dejudicialization. This conceptual shift does not abolish punishment but redefines its place within the architecture of justice. Justice becomes truly restorative and authentic when, alongside maintaining public order, it heals human and social harm. Accordingly, the future of criminal justice lies in the triad of *human-centeredness*, *community orientation*, and *dejudicialization*. Within this framework, justice is no longer an instrument of power but the moral language of dialogue among members of society. Sustaining this trajectory requires reforming educational structures, establishing supportive policies for victims, and expanding local mediation institutions.

Through such transformation, criminal justice can move beyond reproducing cycles of punishment to institutionalizing cycles of restoration, reconciliation, and social reintegration.

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

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