

OPEN PEER REVIEW

A Legal and Penological Evaluation of the Law on the Reduction of Ta'zir Imprisonment Sentences

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Received: 2025-08-05

Revised: 2025-12-14

Accepted: 2025-12-21

Initial Publish: 2026-02-08

Final Publish: 2026-08-01

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the first paragraph of the Introduction (“Imprisonment has long been regarded as the central and most visible response...”), the claim regarding the “global crisis of over-criminalization and prison overcrowding” would benefit from at least one comparative or international empirical reference to strengthen the generalization before narrowing the discussion to Iran.

The transition from global decarceration discourse to the Iranian legal context (“In Iranian criminal law, the discussion of imprisonment reduction must be situated...”) is conceptually appropriate but abrupt. Please consider adding a short bridging sentence explaining why Iranian ta'zir law is particularly receptive to global decarceration trends.

The discussion of excluded offenses (“offenses deemed to threaten public security...”) would benefit from concrete examples or statutory references to clarify the practical boundaries of the law’s applicability.

In the paragraph stating “Judges retain the authority to assess individual circumstances...”, the manuscript acknowledges discretion but does not fully engage with the risk of socio-economic bias. The authors should consider addressing whether discretion may disproportionately benefit certain offender groups.

The sentence “The relationship between the law and the Islamic Penal Code constitutes one of the most debated aspects...” raises a crucial issue. Please clarify whether conflicts are resolved through lex specialis, temporal priority, or judicial practice, as this has major doctrinal implications.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the paragraph stating “Ta’zir punishments occupy a particularly significant place...”, the manuscript relies primarily on secondary legal scholarship. The authors are encouraged to briefly reference classical juristic foundations (even conceptually) to strengthen the jurisprudential grounding of the argument.

The section integrates retribution, deterrence, rehabilitation, restorative justice, and penological theories in a continuous narrative. While rich, the absence of an explicit organizing logic makes the section difficult to navigate. Consider briefly signaling how these theories collectively inform the evaluative criteria applied later in the article.

When asserting that imprisonment reduction does not necessarily weaken deterrence (“Deterrence depends less on the severity of punishment...”), the article would benefit from explicitly acknowledging counter-arguments in Iranian judicial discourse to demonstrate analytical balance.

The paragraph discussing labeling theory is theoretically strong, but its application to Iranian social structures remains implicit. Please clarify how stigma operates differently (or similarly) in Iranian communities compared to Western contexts where labeling theory was originally developed.

In “The legal structure of the Law... reflects a deliberate legislative effort...”, the manuscript assumes legislative coherence. Please indicate whether this assessment is based on parliamentary records, official statements, or doctrinal inference.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.