

Children at Risk in Iranian Criminal Policy: Legal Innovations of the 2019 Law on Protection of Children and Adolescents

Zeinab. Forouzesnia^{1*}, Ebrahim. Rajabi Taj Amir², Amir. Ahmadi³

¹ Department of Criminology and Criminal Law, Sav.C., Islamic Azad University, Saveh, Iran

² Associate Professor, Department of Criminology and Criminal Law, Amin University of Management Sciences, Tehran, Iran

³ Associate Professor, Department of Law, Payame Noor University, Tehran, Iran

* Corresponding author email address: e.rajabi.t@gmail.com

Received: 2025-12-20

Revised: 2026-04-01

Accepted: 2026-04-09

Initial Publish: 2026-04-17

Final Publish: 2026-11-01

The adoption of the Law on the Protection of Children and Adolescents in 2019 represents a significant turning point in the evolution of Iranian criminal policy toward minors. This article examines the conceptual foundations, legal innovations, and structural implications of the statute with particular emphasis on the emergence of the category of “children at risk.” Moving beyond traditional offender-centered approaches, the law introduces a preventive and protection-oriented framework that allows state intervention prior to the occurrence of criminal harm. Through doctrinal legal analysis and criminal policy evaluation, the study explores how the legislation restructures the relationship between criminal law, social welfare institutions, and family responsibility. The findings indicate that the 2019 law expands the scope of criminal protection by criminalizing neglect and endangerment, establishing mandatory reporting obligations, strengthening institutional coordination, and introducing child-sensitive procedural safeguards. These reforms shift Iranian criminal policy from reactive punishment toward proactive prevention, positioning children as rights-bearing individuals whose vulnerability justifies early intervention. The law also reflects an attempt to reconcile domestic legal traditions with contemporary international child protection standards while maintaining doctrinal continuity within the national legal system. Despite these advances, the article identifies several structural challenges affecting implementation, including conceptual ambiguity in defining risk, tensions between preventive intervention and legal certainty, institutional capacity limitations, and the need to balance child protection with family autonomy. The study argues that the effectiveness of the reform depends not only on legislative innovation but also on sustained institutional development, professional training, and interpretative coherence. Ultimately, the 2019 law constitutes a paradigm shift in Iranian criminal policy by embedding preventive protection at the center of legal responses to childhood vulnerability. It establishes the foundation for a rights-based and preventive model of criminal justice that seeks to reduce victimization, promote social reintegration, and strengthen long-term child welfare.

Keywords: *Children at Risk; Iranian Criminal Policy; Child Protection Law; Preventive Criminal Justice; Juvenile Justice Reform; Child Rights; Legal Innovation.*

How to cite this article:

Forouzesnia, Z., Rajabi Taj Amir, E., & Ahmadi, A. (2026). Children at Risk in Iranian Criminal Policy: Legal Innovations of the 2019 Law on Protection of Children and Adolescents. *Interdisciplinary Studies in Society, Law, and Politics*, 5(6), 1-13. <https://doi.org/10.61838/kman.isslp.471>

1. Introduction

The position of children within criminal policy has undergone a profound transformation over the past century, shifting from a punitive paradigm toward a

protection-oriented framework grounded in vulnerability, developmental psychology, and human rights. Historically, criminal justice systems treated children either as miniature adults or as passive dependents lacking independent legal recognition. Early



penal philosophies prioritized social order and deterrence, often overlooking the unique psychological and social conditions shaping children's behavior and exposure to harm. Classical criminal law models primarily focused on the offender and the act, emphasizing legal responsibility and punishment rather than social context or victim vulnerability, an approach strongly reflected in traditional theories of criminal sanction that framed crime as a violation against the state rather than against individuals or communities (Packer, 1968). As criminal law evolved, scholars increasingly recognized that such a rigid model failed to address the realities of childhood dependency, social marginalization, and the heightened susceptibility of minors to exploitation and victimization.

Contemporary criminal policy increasingly acknowledges that children occupy a distinct legal and criminological category requiring differentiated treatment. Modern victimology emphasizes that children are disproportionately exposed to harm due to structural dependency, limited autonomy, and developmental immaturity. The emergence of victim-centered criminology redirected attention toward those affected by crime rather than solely those who commit it, thereby reshaping legal responses to vulnerable populations (Fattah, 1991). Within this intellectual shift, the child is no longer understood merely as a potential offender but as an individual situated within networks of risk, social disadvantage, and institutional responsibility. The concept of vulnerability has thus become central to contemporary criminal justice discourse, highlighting that victimization risk is closely tied to social environments, family instability, economic deprivation, and systemic failures in protection mechanisms (Cyr, 2022). This conceptual evolution laid the groundwork for modern child protection regimes that prioritize prevention and welfare over repression.

Parallel to the development of victimology, broader transformations in criminal policy theory reinforced the need for differentiated legal responses. Late modern societies have witnessed a gradual expansion of preventive criminal policy, whereby states intervene earlier in perceived risk situations to prevent harm before criminal acts fully materialize. Scholars have described this shift as part of a broader culture of control in which governance increasingly relies on risk management strategies rather than reactive punishment

(Garland, 2001). Preventive interventions, particularly concerning children, are justified not only by humanitarian concerns but also by long-term social stability. The recognition that childhood adversity significantly correlates with later criminal involvement has strengthened arguments for early intervention, social support, and protective regulation within criminal justice frameworks. Preventive criminal policy thus situates children simultaneously as subjects of protection and as beneficiaries of social investment aimed at reducing future criminalization.

The international human rights movement played a decisive role in accelerating this transformation. The adoption of the Convention on the Rights of the Child established a universal normative framework recognizing children as rights-holders entitled to protection, participation, and development. The Convention's emphasis on the best interests of the child fundamentally reshaped legal thinking by imposing positive obligations upon states to prevent harm rather than merely respond to it after occurrence (Tobin, 2019). Interpretations of Article 1 of the Convention clarified that childhood extends to the age of eighteen, thereby reinforcing the principle that legal systems must adapt procedures and protections to developmental realities rather than relying solely on traditional notions of maturity (Lansdown & Vaghri, 2016). These developments encouraged many jurisdictions to redesign criminal justice institutions, create specialized juvenile procedures, and adopt child-sensitive investigative practices.

Within criminological scholarship, restorative justice further contributed to redefining the role of children in criminal policy. Restorative approaches emphasize repairing harm, rebuilding relationships, and reintegrating affected individuals into society rather than imposing stigmatizing punishment. Such perspectives are particularly relevant to children, whose identities and behavioral patterns remain in formation. Restorative justice theorists argue that involving victims, offenders, and communities in dialogue can reduce reoffending and mitigate the damaging effects of formal criminal labeling (Zehr, 2015). By shifting focus from retribution to restoration, criminal justice systems can avoid reinforcing social exclusion and instead promote rehabilitation and accountability. Responsive regulatory models similarly highlight the importance of flexible

interventions calibrated to individual circumstances, suggesting that effective criminal policy must combine legal authority with social support mechanisms (Braithwaite, 2002). These theoretical developments collectively reinforced the global movement toward child-centered justice.

The emergence of differentiated juvenile justice systems reflects these intellectual and normative shifts. Youth justice scholarship underscores that adolescence represents a transitional developmental phase characterized by identity formation, emotional volatility, and heightened susceptibility to peer influence. Legal systems that ignore these developmental factors risk imposing sanctions that hinder rather than support social integration (Hopkins Burke, 2016). Modern criminal policy therefore seeks to balance accountability with protection, recognizing that children's engagement with crime frequently reflects environmental pressures rather than entrenched criminal intent. This perspective challenges purely punitive approaches and encourages legal responses emphasizing education, rehabilitation, and social reintegration.

Despite global progress, national legal systems vary significantly in the extent to which they incorporate these principles. In many jurisdictions, child protection remains fragmented across criminal law, family law, and welfare institutions, creating gaps in coordination and enforcement. The Iranian legal system historically reflected such fragmentation. Prior legal frameworks addressed children primarily through scattered statutory provisions without establishing a comprehensive protective structure. Although general criminal law recognized reduced responsibility for minors, the absence of a coherent preventive policy limited the capacity of institutions to identify and support children exposed to harm before victimization occurred. Traditional doctrinal approaches to criminal responsibility, rooted in classical legal theory and jurisprudential interpretations of maturity and culpability, continued to influence legal responses to minors (Katouzian, 2021). Consequently, protection mechanisms often activated only after serious harm or criminal involvement had already taken place.

The enactment of the Law on the Protection of Children and Adolescents in 2019 marked a significant turning point in Iranian criminal policy. For the first time, legislation sought to construct an integrated protective

framework addressing not only child victims but also children exposed to risky environments and potential harm. Scholars analyzing the evolution of Iranian child protection law have emphasized that the new statute represents a shift from reactive punishment toward proactive prevention and institutional responsibility (Taghizadeh Zanouqi, 2020). The law introduced novel concepts such as mandatory reporting obligations, recognition of children at risk, and expanded duties for governmental and social organizations. These reforms signal an attempt to align domestic criminal policy with contemporary international standards while maintaining compatibility with national legal traditions. The concept of "children at risk" constitutes the central innovation of the 2019 legislation. Rather than limiting intervention to situations involving completed crimes, the law recognizes circumstances in which a child's physical, psychological, or social well-being faces imminent danger. This preventive orientation reflects broader theoretical debates concerning pre-crime governance, in which legal systems increasingly act upon anticipated risks rather than proven wrongdoing (Zedner, 2007). While such an approach enhances protective capacity, it simultaneously raises complex questions regarding state intervention, individual autonomy, and the limits of criminalization. Determining when risk justifies intervention requires careful balancing between safeguarding vulnerable children and avoiding excessive intrusion into family life or social relations.

Victimological theory provides an important analytical lens for evaluating these developments. Contemporary victimology stresses that vulnerability is socially produced and often intersects with poverty, migration, family conflict, or institutional neglect. The child, within this framework, appears not merely as an individual victim but as a participant in broader social dynamics shaping exposure to harm (Walklate, 2007). Criminal justice institutions must therefore coordinate with social services, educational systems, and welfare agencies to achieve meaningful protection. The Iranian reform attempts to operationalize this interdisciplinary understanding by assigning responsibilities across multiple governmental actors, thereby transforming child protection into a collective institutional obligation rather than a purely judicial matter.

At the same time, the adoption of preventive criminal policy introduces doctrinal challenges within domestic legal theory. Traditional criminal law emphasizes culpability and completed offenses, whereas preventive frameworks focus on potential harm and future risk. Legal scholars have noted that integrating preventive measures into criminal law requires reconceptualizing the relationship between punishment, responsibility, and social protection (Ashworth, 2015). Iranian juristic scholarship has similarly explored the compatibility of preventive intervention with principles derived from Islamic jurisprudence, highlighting the importance of safeguarding human dignity while preventing social harm (Mohaghegh Damad, 2025). Contemporary Iranian criminal law commentators argue that modern reforms must reconcile preventive policy with foundational legal doctrines to ensure legitimacy and effectiveness (Sattari, 2025). Such debates illustrate the complexity of embedding innovative child protection mechanisms within established legal traditions.

The broader regional context also underscores the significance of these reforms. Comparative studies in neighboring legal systems demonstrate increasing attention to protecting vulnerable groups and expanding criminal law's protective function beyond traditional boundaries (Samim, 2024). Iranian scholarship similarly emphasizes that modern criminal policy must respond to evolving social risks affecting children, including technological change, urbanization, and shifting family structures (Saki, 2024). The growing recognition of preventive protection reflects a wider movement within criminal law toward safeguarding societal interests through early intervention rather than exclusive reliance on punitive sanctions. Legal theorists analyzing contemporary criminal law development highlight that comprehensive protection requires integrating doctrinal clarity, institutional coordination, and social policy support (Sabzavarinezhad & Sabzavarinezhad, 2025).

Against this background, the present study examines how the 2019 Law on Protection of Children and Adolescents reshapes Iranian criminal policy by introducing new legal mechanisms aimed at protecting children at risk. The analysis focuses on identifying the law's conceptual innovations, evaluating its theoretical foundations, and assessing its compatibility with modern principles of child protection and preventive criminal justice. By situating the Iranian reform within broader

developments in criminal policy, victimology, and international child rights law, the article seeks to clarify whether the new legislative framework represents a genuine paradigm shift or merely a partial adaptation of global standards to domestic legal structures.

The research investigates the legal transformation embodied in the 2019 statute and explores the extent to which it establishes a coherent model of preventive protection for vulnerable children. It aims to analyze how the notion of risk operates within Iranian criminal law, how institutional responsibilities are redistributed, and how the balance between protection and legal certainty is negotiated within the new framework. Ultimately, the article argues that understanding children at risk as a central category of criminal policy provides a valuable lens through which the evolution of Iranian criminal justice can be assessed, revealing both the innovative potential of recent reforms and the challenges that remain in achieving an effective and rights-based system of child protection.

2. Conceptual and Normative Framework

Any serious analysis of children at risk within Iranian criminal policy must begin with conceptual clarification. The legal meaning of "child," the distinction between childhood and adolescence, the notion of vulnerability, and the normative foundations of protection are not merely definitional issues; they shape the scope of criminal responsibility, the boundaries of state intervention, and the architecture of procedural safeguards. In Iranian law, the definition of the child has historically been intertwined with jurisprudential interpretations of maturity and criminal capacity. Classical doctrine places significant emphasis on the relationship between maturity, culpability, and punishment, grounding criminal responsibility in the existence of discernment and moral awareness (Katouzian, 2021). This doctrinal structure reflects a traditional concern with the moral agency of the offender rather than with the social context of vulnerability. As general criminal law scholarship in Iran demonstrates, the assessment of responsibility has long been framed within the parameters of intention, capacity, and legal competence (Saki, 2024). Such an approach inevitably affects how children are positioned within criminal law: either as partially responsible actors or as individuals lacking full legal capacity.

The 2019 Law on the Protection of Children and Adolescents introduces a more differentiated categorization by distinguishing between children and adolescents while simultaneously emphasizing protective obligations. Although traditional criminal law discourse focused primarily on culpability and punishment, contemporary scholarship recognizes that vulnerability must operate as an independent normative ground for intervention (Sattari, 2025). This shift reflects a broader theoretical development in criminal law, where responsibility is no longer the sole organizing principle. Instead, the legal system increasingly acknowledges that certain groups require protective treatment regardless of their level of moral blameworthiness. Iranian doctrinal commentary has begun to address this transformation by examining how preventive and protective norms can coexist with established principles of criminal responsibility (Sabzavarinezhad & Sabzavarinezhad, 2025). Consequently, the conceptual framework underlying the 2019 legislation cannot be understood solely through traditional responsibility-based theory; it requires engagement with modern victimological and preventive paradigms.

International child rights law provides an essential normative reference point for understanding these conceptual changes. The Convention on the Rights of the Child establishes a universal definition of childhood extending to eighteen years of age and grounds state obligations in the principle of the best interests of the child (Tobin, 2019). The interpretative debates surrounding Article 1 of the Convention illustrate that age thresholds are not merely technical determinations but reflect broader assumptions about maturity, autonomy, and protection (Lansdown & Vaghri, 2016). Within the Convention's normative architecture, the child is primarily conceptualized as a rights-holder entitled to protection from harm, exploitation, and neglect. This framework places vulnerability at the center of legal analysis and requires states to implement preventive mechanisms that safeguard children before irreparable damage occurs. When Iranian criminal policy is evaluated against this background, the recognition of "children at risk" appears as a move toward harmonizing domestic law with international human rights standards, even if certain doctrinal tensions remain.

The notion of vulnerability itself deserves careful examination. Victimological theory emphasizes that vulnerability is not an inherent attribute but a socially constructed condition shaped by structural inequalities and power imbalances (Fattah, 1991). Children, due to their physical dependency, limited autonomy, and developmental stage, are particularly susceptible to exploitation and abuse. Contemporary victimology further highlights that risk exposure correlates with family instability, economic hardship, social marginalization, and institutional failure (Cyr, 2022). From this perspective, the concept of "child at risk" captures a multidimensional reality in which harm may emerge from environmental factors long before a criminal offense is formally recognized. The Iranian legislation's emphasis on dangerous situations rather than solely on completed crimes reflects this broader understanding of victimization risk.

Criminological scholarship also underlines the importance of distinguishing between childhood and adolescence as separate developmental stages. Youth justice theory demonstrates that adolescence represents a transitional period characterized by identity formation, impulsivity, and heightened responsiveness to peer influence (Hopkins Burke, 2016). Treating adolescents identically to adults ignores well-documented developmental differences that bear directly on culpability and rehabilitation. Although the 2019 law differentiates between children and adolescents, the underlying normative justification aligns with modern youth justice principles recognizing the need for tailored responses. This developmental approach challenges earlier models of criminal justice that relied exclusively on fixed legal categories without considering psychological maturity.

The normative framework of protection further draws upon restorative justice theory. Restorative justice reconceptualizes crime as harm to relationships rather than solely as a violation of state authority (Zehr, 2015). Within this paradigm, children are often understood as participants in social networks whose well-being depends on community integration and dialogue. Restorative approaches emphasize accountability combined with reintegration, seeking to avoid stigmatization and social exclusion. Responsive regulation theory complements this perspective by proposing that legal systems should apply escalating

measures only when softer interventions fail (Braithwaite, 2002). Applied to children at risk, this model supports preventive social interventions prior to the imposition of coercive sanctions. The Iranian reform's recognition of institutional responsibilities beyond the judiciary reflects an implicit adoption of these principles.

At the same time, preventive criminal policy introduces complex theoretical tensions. Contemporary criminal law scholarship observes that modern systems increasingly act upon anticipated risk rather than proven wrongdoing, a development sometimes described as a pre-emptive orientation (Zedner, 2007). Preventive measures aimed at protecting children may require early intervention based on indicators of potential harm. However, expanding state authority to intervene in family life raises concerns regarding proportionality and legal certainty. Criminal law traditionally relies upon clearly defined offenses and evidentiary thresholds, whereas risk-based intervention operates within a zone of uncertainty. The challenge lies in ensuring that protective action does not become arbitrary or excessive. Legal theorists analyzing sentencing and preventive measures caution that expanding criminal policy must remain consistent with fundamental principles of fairness and proportionality (Ashworth, 2015).

The broader sociological context also influences the conceptual framework of child protection. Modern societies experience intensified anxieties about security and risk, leading to expanded regulatory strategies designed to manage uncertainty (Garland, 2001). Within this environment, children are often portrayed simultaneously as vulnerable subjects needing protection and as potential future offenders requiring supervision. The 2019 legislation navigates this dual perception by framing children primarily as beneficiaries of protection rather than as objects of control. Nevertheless, understanding the law's preventive orientation requires recognition of the cultural and political climate in which risk governance has become a dominant feature of criminal policy.

Doctrinal criminal law theory further contributes to the conceptual structure of protection. Classical models conceptualized punishment as communication between the state and the offender, emphasizing moral censure and community reaffirmation (Duff, 2001). Within such frameworks, the offender's autonomy and responsibility

occupy center stage. The inclusion of children at risk within criminal policy challenges this paradigm by shifting attention from culpability to welfare. Iranian juristic scholarship has engaged with this shift by exploring how jurisprudential rules can accommodate preventive protection while maintaining respect for human dignity (Mohaghegh Damad, 2025). The resulting framework blends doctrinal continuity with innovative protective elements.

Victim-centered scholarship deepens this normative understanding by highlighting the symbolic and procedural recognition of victims within criminal justice systems. The conceptualization of victims as participants rather than passive recipients of state protection reflects a significant transformation in legal thought (Wemmers, 2017). Applying this insight to children at risk underscores the importance of creating procedures that respect children's voices while safeguarding them from secondary victimization. The Iranian reform's protective measures must therefore be assessed not only in terms of substantive criminalization but also in relation to procedural sensitivity.

Comparative scholarship in criminal law also sheds light on regional and transnational influences shaping reform. Studies of criminal protection in neighboring legal systems reveal increasing emphasis on safeguarding vulnerable populations and expanding protective doctrines (Samim, 2024). Such comparative developments provide context for understanding the Iranian law as part of a broader movement toward preventive and protective criminal policy. Iranian academic discourse increasingly recognizes that criminal law cannot remain isolated from evolving social realities, and that modern legislation must address structural risk factors affecting children (Saki, 2024). This acknowledgment strengthens the normative legitimacy of protective reform.

Ultimately, the conceptual and normative framework of the 2019 Law reflects the intersection of multiple intellectual currents. Traditional Iranian criminal law theory, rooted in jurisprudential doctrines of responsibility and maturity (Katouzian, 2021), interacts with international human rights norms emphasizing the best interests of the child (Tobin, 2019). Victimological insights regarding structural vulnerability (Cyr, 2022) combine with restorative justice principles advocating relational repair (Zehr, 2015). Preventive criminal

policy, influenced by broader risk governance trends (Zedner, 2007), encourages early intervention while raising questions about proportionality and legal certainty (Ashworth, 2015). The resulting framework does not represent a wholesale abandonment of classical doctrine but rather a recalibration of priorities within Iranian criminal policy.

This section has clarified that understanding children at risk requires integrating doctrinal criminal law, victimology, restorative justice, preventive theory, and international child rights norms. The 2019 legislation operates within this multifaceted framework, attempting to reconcile domestic legal traditions with contemporary protective imperatives. By conceptualizing children as rights-bearing individuals exposed to structural vulnerability and developmental risk, the law lays the foundation for a preventive and protective criminal policy. The following sections will examine how these conceptual commitments materialize in specific legal innovations and institutional mechanisms.

3. Legal Innovations of the 2019 Law

The Law on the Protection of Children and Adolescents adopted in 2019 represents a structural transformation in Iranian criminal policy, moving from a reactive, offense-centered model toward a preventive and protection-oriented framework. Earlier legislative approaches primarily addressed children either as offenders subject to differentiated responsibility rules or as victims of specific crimes without establishing an integrated system of early identification and intervention. The 2019 statute alters this orientation by recognizing the category of “children at risk,” thereby expanding the scope of criminal policy beyond completed offenses. This shift aligns with broader transformations in modern criminal law, where prevention increasingly complements retribution as a core function of the system (Ashworth, 2015). Rather than limiting intervention to instances in which criminal harm has already occurred, the law creates mechanisms for state response to dangerous situations threatening a child’s physical or psychological integrity. In doing so, it incorporates preventive logic into the heart of child protection.

One of the most significant innovations lies in the criminalization of endangerment and neglect. The statute does not confine criminal liability to acts of direct

violence but extends responsibility to situations where guardians or caretakers fail to provide necessary protection. Traditional criminal law theory, especially in its classical formulation, conceptualizes punishment as a response to clearly defined harmful acts committed with culpable intent (Packer, 1968). By contrast, the 2019 law recognizes that harm to children often results from omission, structural neglect, or sustained exposure to risky environments. This doctrinal expansion reflects victimological insights emphasizing that vulnerability arises from social conditions and power imbalances rather than from isolated acts alone (Fattah, 1991). The recognition of neglect as a criminally relevant category therefore represents a normative shift toward safeguarding children’s well-being as an independent legal interest.

Closely connected to this development is the law’s preventive intervention model. The statute authorizes authorities to intervene in situations where a child’s life, health, or moral development faces imminent threat, even if no completed crime can yet be established. Such an approach mirrors contemporary risk-oriented governance in criminal justice, which increasingly seeks to manage potential harm before it materializes (Zedner, 2007). The introduction of this preventive logic reflects the understanding that early intervention can reduce long-term victimization and subsequent criminal involvement. Sociological analyses of modern criminal policy suggest that late modern societies prioritize risk management as a strategy to stabilize social order (Garland, 2001). The Iranian reform situates child protection within this broader preventive paradigm while attempting to maintain legal safeguards against arbitrary interference.

Another key innovation is the establishment of mandatory reporting obligations. The law imposes duties on professionals such as educators, healthcare providers, and social workers to report situations involving abuse, neglect, or risk exposure. This mechanism institutionalizes collective responsibility for child protection and reduces reliance on private complaints. Victim-centered scholarship emphasizes that vulnerable individuals, particularly children, often lack the capacity or security to initiate legal processes independently (Wemmers, 2017). Mandatory reporting thus serves as a structural guarantee ensuring that protective mechanisms activate even when victims

remain silent. At the same time, such obligations transform child protection from a discretionary moral concern into a legally enforceable duty, thereby strengthening institutional accountability.

The reporting system also reflects restorative and responsive regulatory principles. Rather than immediately resorting to punitive sanctions, the law encourages coordinated responses involving social services, counseling, and family support measures. Restorative justice theory highlights that sustainable protection requires addressing relational harm and social context rather than relying exclusively on punishment (Zehr, 2015). Responsive regulation similarly proposes that authorities should escalate intervention proportionally, beginning with dialogue and support before imposing harsher measures (Braithwaite, 2002). The 2019 legislation embodies these ideas by combining criminal liability for severe abuse with welfare-oriented responses aimed at stabilizing family environments.

Institutional coordination constitutes another major innovation. The statute delineates responsibilities among judicial authorities, law enforcement agencies, welfare organizations, and educational institutions. Historically, fragmented institutional mandates limited the effectiveness of child protection in Iran, as no unified framework existed for information sharing and coordinated intervention. By contrast, the 2019 law constructs a networked model of protection in which various actors collaborate to identify and respond to risk. Criminal law scholars note that modern protective legislation often requires interdisciplinary cooperation to achieve meaningful impact (Sattari, 2025). Without coordination, even well-designed statutes may fail to produce practical change. The new framework thus represents not only a substantive reform but also an administrative restructuring of protective governance.

Procedural innovation also appears prominently in the statute. The law emphasizes child-sensitive investigative and judicial processes, aiming to prevent secondary victimization during criminal proceedings. Victimological research demonstrates that insensitive procedural practices can exacerbate trauma, particularly when victims are children (Walklate, 2007). By mandating confidentiality, specialized handling, and sensitivity during questioning, the legislation acknowledges that procedural justice forms an integral

part of protection. This approach corresponds with international human rights standards emphasizing the best interests of the child in all judicial actions (Tobin, 2019). The recognition that procedural dignity is inseparable from substantive protection marks an important normative development.

The expansion of criminal liability to parents and guardians represents another critical dimension of reform. Traditional criminal law often hesitated to intervene in family affairs except in cases of severe violence. However, contemporary scholarship recognizes that intra-family abuse constitutes one of the most prevalent threats to children's safety (Cyr, 2022). By criminalizing certain forms of parental neglect and abuse, the 2019 law signals that familial authority does not override children's fundamental rights. Iranian juristic scholarship has increasingly addressed the tension between parental authority and state intervention, exploring how jurisprudential principles can support protective measures without undermining family integrity (Mohaghegh Damad, 2025). The law's careful articulation of liability reflects an attempt to reconcile these competing concerns.

The statute further innovates by rejecting certain justificatory defenses in cases of child abuse. Earlier legal doctrines sometimes permitted cultural or disciplinary justifications for parental conduct. Modern criminal theory, however, emphasizes that the communicative function of punishment requires clear condemnation of harmful behavior, especially when directed against vulnerable persons (Duff, 2001). Eliminating defenses based on excessive disciplinary authority reinforces the normative message that children's physical and psychological integrity deserves unequivocal protection. This doctrinal clarification strengthens the symbolic dimension of criminal law while enhancing practical safeguards.

The recognition of non-Iranian children as beneficiaries of protection constitutes an additional innovation. By extending protection irrespective of nationality, the law aligns domestic policy with non-discrimination principles embedded in international child rights frameworks (Lansdown & Vaghri, 2016). Such inclusivity acknowledges that vulnerability transcends citizenship and that migrant or refugee children may face heightened exposure to exploitation. Comparative criminal law scholarship illustrates that inclusive

protection enhances social cohesion and reduces marginalization (Samim, 2024). The Iranian reform thereby integrates universalistic principles into domestic legislation.

A further innovation lies in the law's emphasis on diversionary and rehabilitative measures for children who engage in harmful conduct. Youth justice scholarship stresses that punitive sanctions can entrench delinquent identities and hinder reintegration (Hopkins Burke, 2016). By promoting educational and corrective responses, the statute aligns with rehabilitative ideals within modern juvenile justice. This orientation reflects the broader theoretical insight that children's behavior must be understood within developmental and social contexts rather than interpreted as fixed criminal propensity.

Doctrinal commentary within Iranian criminal law has recognized that integrating preventive and protective mechanisms requires recalibrating traditional legal categories (Sabzavarinezhad & Sabzavarinezhad, 2025). The 2019 law exemplifies this recalibration by blending classical responsibility doctrines with contemporary victimological insights. Scholars examining the evolution of child protection law in Iran argue that the statute represents a decisive move away from fragmented regulation toward comprehensive protection (Taghizadeh Zanouqi, 2020). This transformation underscores a broader reorientation of criminal policy priorities.

The cumulative effect of these innovations is the establishment of a preventive-protective paradigm within Iranian criminal law. The statute does not merely introduce new offenses; it restructures the relationship between the state, the family, and the child. By conceptualizing children as rights-bearing individuals exposed to structural risk, the law integrates international human rights principles with domestic doctrinal foundations. At the same time, it retains compatibility with established criminal law theory by maintaining proportionality and due process safeguards (Ashworth, 2015). The reform therefore represents an attempt to harmonize preventive intervention with legal certainty.

In conclusion, the legal innovations of the 2019 Law on the Protection of Children and Adolescents reflect a multifaceted transformation. The statute expands criminal liability to encompass neglect and risk

exposure, institutionalizes mandatory reporting, enhances procedural sensitivity, strengthens inter-agency coordination, eliminates problematic defenses, and extends protection to all children regardless of nationality. These reforms draw upon international human rights norms (Tobin, 2019), victimological theory (Wemmers, 2017), restorative justice principles (Zehr, 2015), and preventive criminal policy scholarship (Garland, 2001). The result is a comprehensive framework positioning children at risk at the center of Iranian criminal policy, signaling a substantive shift from reactive punishment toward proactive protection.

4. Critical Evaluation and Structural Challenges

While the 2019 Law on the Protection of Children and Adolescents marks a significant normative and structural advancement in Iranian criminal policy, its transformative ambition inevitably generates conceptual tensions and practical challenges. A critical evaluation requires moving beyond the celebratory narrative of reform to examine the internal coherence of the statute, its compatibility with foundational criminal law principles, and its capacity for effective implementation. The shift toward preventive protection, though normatively appealing, must be assessed against the requirements of legality, proportionality, and institutional feasibility that traditionally anchor criminal justice systems (Ashworth, 2015). The law's preventive orientation raises important questions about how far criminal policy can extend into domains traditionally governed by family autonomy and social welfare without undermining legal certainty.

One of the central normative tensions concerns the age-based distinctions embedded within Iranian criminal doctrine. Although the 2019 law expands protection, the broader criminal framework continues to differentiate between childhood and adulthood in ways influenced by jurisprudential understandings of maturity and responsibility. Classical Iranian criminal law scholarship grounds criminal liability in discernment and moral agency, emphasizing doctrinal clarity regarding responsibility thresholds (Katouzian, 2021). The coexistence of a Shari'a-informed maturity concept with international child rights standards generates structural ambiguity. The Convention on the Rights of the Child defines childhood as extending to eighteen years of age and grounds protection in universal developmental

vulnerability (Tobin, 2019). Interpretative discussions surrounding Article 1 of the Convention emphasize that consistent age thresholds promote clarity and equality in child protection (Lansdown & Vaghri, 2016). The Iranian system, however, retains differentiated approaches to maturity in criminal responsibility, creating potential inconsistencies between protective rhetoric and responsibility doctrines.

Another conceptual challenge arises from the breadth of the definition of “risk.” The statute authorizes intervention in situations where a child’s life, health, or moral development faces threat, but it leaves substantial discretion to authorities in determining what constitutes sufficient danger. Contemporary criminal policy scholarship warns that risk-based governance can blur the line between prevention and overreach (Zedner, 2007). Preventive intervention necessarily operates within a domain of uncertainty, where harm has not yet materialized. Without clear criteria, authorities may interpret risk expansively, potentially infringing upon family privacy or cultural practices. Sociological analyses of modern criminal justice systems indicate that risk discourse often expands state control under the banner of protection (Garland, 2001). While safeguarding children justifies proactive measures, the absence of precise definitional boundaries may undermine predictability and consistency in application.

The tension between preventive protection and traditional culpability-based criminal law is particularly pronounced in cases involving parental authority. Historically, family autonomy has been afforded considerable respect within both civil and criminal law. Jurisprudential scholarship emphasizes that criminal intervention within family life must be carefully calibrated to avoid disproportionate intrusion (Mohaghegh Damad, 2025). The 2019 statute criminalizes certain forms of neglect and abuse, reflecting a commendable commitment to child safety. Yet the challenge lies in ensuring that criminalization does not replace supportive social intervention where assistance might be more effective. Criminal law commentators stress that punitive responses should remain a measure of last resort, particularly in contexts involving relational dynamics (Duff, 2001). Striking a balance between accountability and support remains an ongoing structural challenge.

Implementation deficiencies represent another significant obstacle. Legislative innovation alone cannot guarantee effective protection; institutional capacity, training, and resource allocation determine whether statutory objectives translate into practice. Iranian criminal law scholarship underscores that comprehensive reform requires corresponding administrative infrastructure (Sattari, 2025). The establishment of mandatory reporting mechanisms and inter-agency coordination presupposes the existence of trained professionals capable of identifying and responding to risk. Without adequate education and procedural guidance, reporting obligations may produce either underreporting due to uncertainty or overreporting driven by fear of liability. Victimological research suggests that procedural mismanagement can exacerbate harm and deter cooperation (Wemmers, 2017). Ensuring that institutions apply the law consistently and sensitively thus remains a critical structural concern.

Resource constraints further complicate implementation. Effective child protection requires social services, psychological counseling, safe shelters, and monitoring mechanisms. Criminal law commentators note that preventive policy must be supported by welfare investment to achieve long-term impact (Sabzavarinezhad & Sabzavarinezhad, 2025). If intervention relies excessively on judicial authority without parallel social infrastructure, the system risks reverting to punitive measures rather than preventive support. Youth justice scholarship emphasizes that children benefit most from rehabilitative and community-based programs rather than formal sanctioning (Hopkins Burke, 2016). The 2019 law’s protective ambitions depend on the state’s capacity to finance and sustain such supportive mechanisms.

Another structural challenge concerns cultural and social attitudes toward child discipline and authority. Victimological scholarship demonstrates that societal norms influence both reporting behavior and institutional response (Walklate, 2007). In contexts where certain disciplinary practices are socially accepted, distinguishing between culturally embedded behavior and criminal abuse may prove difficult. The elimination of justificatory defenses for harmful disciplinary actions signals a strong normative stance. However, effective enforcement requires public

awareness campaigns and professional training to ensure that new standards are understood and internalized. Without cultural adaptation, legal reform may face resistance or inconsistent application.

The expansion of criminal liability for neglect also raises concerns about overcriminalization. Preventive criminal policy must avoid transforming social problems into penal issues. Classical criminal law theory emphasizes restraint in the use of punishment, reserving criminal sanction for conduct causing serious harm (Packer, 1968). If neglect definitions are interpreted broadly, families experiencing poverty or social hardship may face criminal scrutiny despite lacking malicious intent. Comparative criminal scholarship illustrates that criminalization of social disadvantage can entrench inequality rather than alleviate harm (Samim, 2024). Careful differentiation between willful neglect and structural incapacity is therefore essential to preserve fairness.

The procedural safeguards embedded in the statute also require scrutiny. While the law mandates child-sensitive procedures, practical enforcement depends on judicial expertise and training. Restorative justice theory suggests that relational dialogue and community engagement can mitigate harm more effectively than adversarial proceedings (Zehr, 2015). However, integrating restorative elements into formal criminal processes demands institutional innovation and cultural adaptation. Responsive regulatory models emphasize graduated intervention rather than immediate escalation (Braithwaite, 2002). Ensuring that judicial actors internalize these principles is a long-term institutional endeavor rather than an automatic consequence of legislative change.

An additional doctrinal challenge involves harmonizing preventive measures with constitutional principles of legality and due process. Criminal law scholars stress that clarity and foreseeability are cornerstones of legitimate penal regulation (Ashworth, 2015). Risk-based provisions may sometimes rely on flexible terminology, potentially complicating judicial interpretation. Iranian criminal law commentary has acknowledged that modern reforms must remain anchored in clear statutory language to avoid arbitrary enforcement (Saki, 2024). Judicial training and interpretative guidance will therefore play a decisive role in shaping how the statute operates in practice.

The relationship between national law and international standards also warrants critical examination. Although the 2019 law reflects several principles associated with the Convention on the Rights of the Child (Tobin, 2019), certain doctrinal differences remain embedded within the broader legal system. The integration of international norms into domestic criminal policy requires continuous interpretative effort. Scholarly analysis of child protection reform in Iran highlights that alignment with global standards is an evolving process rather than a completed project (Taghizadeh Zanoouji, 2020). Monitoring implementation and assessing compliance with international obligations remain essential components of reform.

Finally, the sustainability of preventive criminal policy depends on public trust and institutional legitimacy. Sociological analyses of contemporary criminal justice emphasize that expansive protective authority must be accompanied by transparency and accountability to maintain public confidence (Garland, 2001). If citizens perceive intervention as arbitrary or politically motivated, the legitimacy of protective mechanisms may erode. The success of the 2019 law therefore hinges not only on doctrinal coherence but also on institutional integrity and societal engagement.

In sum, the 2019 Law on the Protection of Children and Adolescents represents a substantive normative advance, yet it operates within a complex matrix of doctrinal, institutional, and cultural challenges. Age thresholds rooted in traditional responsibility doctrines coexist uneasily with international standards (Lansdown & Vaghri, 2016). The broad concept of risk introduces preventive flexibility while raising concerns about proportionality (Zedner, 2007). Implementation depends on adequate resources, professional training, and coordinated infrastructure (Sattari, 2025). Balancing criminalization with social support remains essential to avoid unintended consequences. The reform thus stands at a critical juncture: its potential to reshape Iranian criminal policy in a protective direction will ultimately depend on sustained institutional commitment, interpretative clarity, and alignment between preventive ambition and practical capacity.

5. Conclusion

The Law on the Protection of Children and Adolescents adopted in 2019 represents one of the most significant

developments in the evolution of Iranian criminal policy concerning minors. By introducing the concept of “children at risk” and expanding the scope of intervention beyond completed criminal acts, the legislation signals a decisive shift from a reactive and offense-centered framework toward a preventive and protection-oriented model. This transformation reflects a broader reorientation in the understanding of childhood within criminal law: children are no longer viewed primarily as objects of discipline or limited responsibility, but as rights-bearing individuals whose vulnerability requires active and structured state protection.

Throughout this study, it has been demonstrated that the 2019 law does not merely add new offenses or procedural rules; rather, it restructures the normative foundations of child protection. The recognition of risk as a legally relevant category enables early intervention in situations where harm has not yet materialized but is reasonably foreseeable. This preventive logic aligns child protection with contemporary approaches to criminal policy that prioritize safeguarding vulnerable populations before irreversible damage occurs. By criminalizing neglect, strengthening reporting mechanisms, and assigning responsibilities across institutional actors, the statute establishes a more integrated protective framework than previously existed.

At the same time, the reform reflects a hybrid character. It draws upon traditional principles of criminal responsibility while incorporating modern victimological and preventive insights. The law seeks to reconcile doctrinal continuity with innovative protective strategies. This balancing effort is evident in its attempt to preserve legal certainty and proportionality while expanding state authority to intervene in family and social environments when necessary. The resulting model can be described as preventive-protective rather than purely punitive. Its central concern lies not in sanctioning wrongdoing after the fact, but in reducing exposure to harm and stabilizing the developmental environment of children.

However, the transformative potential of the statute is not self-executing. Several structural challenges may affect its practical impact. Conceptual ambiguities surrounding the definition of risk require careful judicial interpretation to prevent arbitrary application. The

expansion of criminal liability for neglect demands sensitivity to socio-economic realities so that structural poverty is not conflated with culpable misconduct. Institutional coordination, though mandated by law, depends on effective administrative capacity, professional training, and sustainable resource allocation. Without sufficient investment in social services, counseling, and rehabilitation programs, preventive ambitions may default to punitive responses. Another critical issue concerns the relationship between protective intervention and family autonomy. While the law affirms the primacy of child welfare, it must be implemented in a manner that respects legitimate parental authority and cultural diversity. Overreach may undermine public trust, whereas under-enforcement may leave vulnerable children unprotected. Achieving the appropriate balance requires consistent interpretative guidance and transparent decision-making processes. The judiciary and relevant authorities play a decisive role in shaping how this balance evolves in practice.

The law’s alignment with international child rights principles further enhances its normative legitimacy. By recognizing children as holders of independent rights and extending protection irrespective of nationality, the statute moves toward harmonization with global standards. Yet harmonization remains an ongoing process. Doctrinal inconsistencies and implementation gaps highlight that legislative reform constitutes only one phase in a longer trajectory of institutional and cultural transformation. Continued evaluation and adaptation will be necessary to ensure that protective objectives are realized effectively.

Despite these challenges, the 2019 law marks a paradigm shift in Iranian criminal policy. It reframes child protection as a collective responsibility shared by judicial authorities, welfare institutions, professionals, and society at large. The introduction of mandatory reporting, procedural safeguards, and preventive intervention mechanisms demonstrates a commitment to addressing both immediate harm and structural vulnerability. This integrated approach distinguishes the reform from earlier fragmented efforts and provides a foundation for a more coherent system of child protection.

Ultimately, the significance of the reform lies in its reconceptualization of the child’s position within the

legal order. By centering vulnerability and developmental well-being, the law challenges traditional assumptions that criminal justice should focus exclusively on wrongdoing and punishment. It advances a vision of criminal policy that combines accountability with care, intervention with support, and legal authority with social responsibility. Whether this vision achieves its full potential depends on sustained institutional commitment, interpretative clarity, and continued engagement with both domestic doctrinal principles and evolving international standards.

In conclusion, the 2019 Law on the Protection of Children and Adolescents represents a foundational step toward constructing a preventive and rights-based framework for children at risk in Iran. It embodies a structural reorientation of criminal policy from reaction to prevention, from fragmentation to coordination, and from marginal recognition to central protection. While challenges remain, the statute provides the legal architecture necessary for advancing a more humane and responsive system of child protection.

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.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

According to the authors, this article has no financial support.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

References

- Ashworth, A. (2015). *Sentencing and Criminal Justice* (6 ed.). Cambridge University Press.
- Braithwaite, J. (2002). *Restorative Justice and Responsive Regulation*. Oxford University Press.
- Cyr, K. (2022). Child Vulnerability and Victimization Risk. *Journal of Child Protection Studies*, 14(1), 45-63.
- Duff, R. A. (2001). *Punishment, Communication, and Community*. Oxford University Press.
- Fattah, E. A. (1991). *Understanding Criminal Victimization*. Prentice Hall.
- Garland, D. (2001). *The Culture of Control: Crime and Social Order in Contemporary Society*. University of Chicago Press.
- Hopkins Burke, R. (2016). *Youth Justice: Theory and Practice*. Routledge.
- Katouzian, N. (2021). *General Criminal Law* (28th ed.). Ganj-e Danesh Publications.
- Lansdown, G., & Vaghri, Z. (2016). Interpretation of Article 1 of the Convention on the Rights of the Child. *International Journal of Children's Rights*, 24(3), 569-587.
- Mohaghegh Damad, S. M. (2025). *Jurisprudential rules in criminal law*. Islamic Sciences Publishing.
- Packer, H. L. (1968). *The Limits of the Criminal Sanction*. Stanford University Press.
- Sabzavarinezhad, H., & Sabzavarinezhad, A. (2025). *General Criminal Law* (Vol. 3). Majd Publications.
- Saki, M. R. (2024). *General Criminal Law: Four Books in One Volume*. Khorsandi.
- Samim, R. (2024). Criminal protection of public property in Afghan criminal law. The 6th International Conference on Modern Studies in Humanities and Social Sciences.
- Sattari, B. (2025). *Comprehensive Description of General Criminal Law* (7th ed.). Arshad Publications.
- Taghizadeh Zanoouqi, M. (2020). The Evolution of Child Protection Law in Iran: A Critical Analysis of the 2019 Act. *Iranian Journal of Criminal Law Studies*, 12(2), 89-115.
- Tobin, J. (2019). *The UN Convention on the Rights of the Child: A Commentary*. Oxford University Press.
- Walklate, S. (2007). *Imagining the Victim of Crime*. Open University Press.
- Wemmers, J.-A. (2017). *Victims in the Criminal Justice System*. Routledge.
- Zedner, L. (2007). Pre-crime and Post-criminology? *Theoretical Criminology*, 11(2), 261-281.
- Zehr, H. (2015). *The Little Book of Restorative Justice*. Good Books.