OPEN PEER REVIEW

Assessment of Leniency Measures in Drug-Related Offenses under Iran's Criminal Policy in Light of International Drug Control Conventions

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1. Round 1

1.1. Reviewer 1

Reviewer:

The Introduction uses the terms "criminal policy," "criminal justice policy," "penal policy," and "drug-control policy" in overlapping ways. For example, the sentence "Iranian drug policy has historically emphasized criminalization, severe imprisonment, substantial fines, confiscation or seizure of assets, corporal punishment, and, in aggravated cases, the death penalty" appears to describe legislative penal policy rather than the full field of criminal policy. The article should establish at the outset whether "criminal policy" is being used in the restricted sense of state penal responses or in the broader sense that also includes prevention, treatment, welfare, and civil-society participation. Once the definition is selected, the terminology should remain consistent throughout the manuscript. Otherwise, conclusions about the "success" or "failure" of Iranian criminal policy may conflate deficiencies in legislation with limitations in judicial practice, prison administration, public health, or social welfare.

The paragraph beginning "The objective of this article is to assess the legal status, operation, and effectiveness of leniency measures" states a clear general objective, but the article would benefit from an explicit research question and evaluative hypothesis. The manuscript should specify whether it asks primarily about legal compatibility with the conventions, internal coherence within Iranian law, practical accessibility of leniency, or the effectiveness of these measures in reducing recidivism. These are related but methodologically distinct questions. A doctrinal study can assess legal compatibility and normative coherence, but claims about practical effectiveness require empirical evidence. The objective should therefore be reformulated to distinguish legal availability, doctrinal consistency, practical implementation, and criminological effectiveness.

The proposed distinction among "dependent personal-use offenders, minor nonviolent participants, low-level couriers, street-level sellers, repeat commercial offenders, organized participants, financiers, leaders, and armed traffickers" is one of the manuscript's most important contributions, but these categories remain descriptive rather than operational. The authors should specify the legal and evidentiary factors that would place an offender in each category. Relevant indicators could include control over the drugs, decision-making authority, share of profit, recruitment of others, knowledge of the wider operation, repeated participation, possession of weapons, use of minors, and dependency status. The manuscript should also address overlapping categories, such as a drug-dependent person who repeatedly sells drugs or a low-level courier who knowingly transports a substantial consignment. Without operational criteria, the classification cannot reliably guide legislation or judicial decision-making.

In the domestic-law section, the sentence "The Islamic Penal Code establishes general principles of criminal responsibility, sentencing, mitigation, suspension, conditional release, alternatives to imprisonment, and other institutions" should be followed by precise statutory references. The analysis currently discusses legal institutions at a general level without identifying the relevant articles, offense grades, exclusions, time requirements, or conditions. A legal article intended for publication should state exactly which provisions govern mitigation, postponement, suspension, alternative punishments, conditional release, semi-liberty, and electronic monitoring. It should then explain whether and how those provisions apply to offenses under the Anti-Narcotics Law. The absence of article-level analysis makes it difficult to verify the manuscript's conclusions about availability and restriction.

The discussion of the 2017 amendment is central but requires greater statutory precision. The sentence "The 2017 amendment to the Anti-Narcotics Law represents the most consequential form of legislative mitigation in recent Iranian drug policy" should be followed by a structured explanation of the legal position before and after the amendment. The manuscript should identify the offenses affected, the revised quantitative thresholds, the aggravating circumstances preserving capital punishment, the treatment of prior convictions, the role of weapons and organized activity, and the amendment's application to previously finalized sentences. The article should also clarify whether the reform is properly characterized as a "leniency measure" or as a substantive reduction and reclassification of punishment. Legislative mitigation and individualized leniency are related but analytically distinct.

The paragraph asserting that "General criminal-law doctrine ordinarily permits the application of general rules unless a special statute provides otherwise" identifies a fundamental interpretive issue but does not resolve it. The manuscript should examine the doctrine governing the relationship between the Islamic Penal Code and the Anti-Narcotics Law, including whether exclusions must be express, whether special-law silence permits application of general institutions, and how Iranian courts have interpreted this relationship. This is arguably the principal doctrinal question of the article. The authors should identify specific examples in which a general leniency provision has been applied, rejected, or disputed in a drug case. Without such analysis, the conclusion that the framework is "fragmented" remains persuasive but insufficiently demonstrated.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The methodological explanation in the Introduction is insufficiently detailed for an article undertaking both domestic-law interpretation and treaty-based evaluation. The sentence "It examines whether Iranian legislation adequately distinguishes between categories of offenses and offenders" does not indicate the legal criteria used to determine adequacy. The authors should present a concise methodology paragraph explaining the hierarchy of sources, the treatment of special and general legislation, the use of doctrinal interpretation, and the derivation of evaluative benchmarks from the conventions. The manuscript should also state whether judicial decisions, advisory opinions, executive regulations, pardon directives, and prison rules were systematically reviewed or merely discussed through secondary literature. This is particularly important because several conclusions concern judicial inconsistency and implementation problems that cannot be established solely by reading statutory provisions.

In the section on the international legal framework, the article states that "Article 36 of the 1961 Convention recognizes treatment, education, aftercare, rehabilitation, and social reintegration as relevant responses to offenders affected by drug abuse." Similar claims are made regarding Article 22 of the 1971 Convention and Article 3 of the 1988 Convention. These treaty-specific propositions should be supported by direct citations to the official convention texts, not solely by secondary Iranian criminal-law references. The treaties themselves should appear in the reference list as primary legal sources. The authors should also reproduce the distinctions contained in the treaty language accurately, particularly the difference between measures imposed "in addition to" punishment and those permitted "as alternatives to conviction or punishment" in appropriate cases. The current presentation is broadly correct but requires article-specific textual analysis.

The paragraph defining leniency as including "all legally recognized mechanisms that reduce the intensity, duration, form, or collateral consequences of criminal intervention" is useful but overly inclusive. Treatment, semi-liberty, electronic monitoring, pardon, mitigation, and postponement do not share the same legal nature, decision-maker, procedural stage, or normative rationale. The article should develop a typology distinguishing judicial sentencing leniency, sentence-execution leniency, executive or constitutional clemency, treatment-based diversion, and non-custodial sanctions. This distinction would improve analytical precision and allow the authors to examine different eligibility criteria and institutional responsibilities. Without such a typology, the article risks treating every measure that produces a less restrictive outcome as conceptually identical.

In the paragraph stating that "A properly regulated system of leniency does not contradict legality because the legislature itself defines the available measures and their conditions," the discussion should engage more directly with the tension between legal certainty and judicial discretion. Leniency institutions can promote individualized justice, but vague concepts such as remorse, good conduct, reformability, and dangerousness may produce unequal outcomes. The article should explain how legality constrains discretion through statutory criteria, reasoned judgments, appellate supervision, and consistency in comparable cases. It should also distinguish legitimate individualization from unstructured judicial benevolence. This would strengthen the theoretical argument that leniency is an element of lawful sentencing rather than an exception to legality.

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2. Revised

Editor's decision: Accepted.
Editor in Chief's decision: Accepted.