

# Pathology of the Role of Civil Society in Crime Prevention in Iran's Criminal Justice System

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The present study aims to analyze the pathology of the role of civil society in crime prevention in Iran's criminal justice system. A qualitative research strategy, using thematic analysis, has been employed to address the issue. Data were collected through semi-structured interviews with 12 experts in criminal law and criminology, selected via theoretical sampling. The data were analyzed using thematic analysis, specifically the thematic network analysis method, and a conceptual model was constructed based on network measurements. The findings from the qualitative research indicated that the pathology of civil society's role in crime prevention within Iran's criminal justice system includes the following overarching themes: 1) Internal organizational challenges, including (legal and juridical issues, governmental executive issues, lack of awareness and weak cultural development concerning civil society, weak social capital, economic issues, and legal and executive redundancy and multifactorial challenges); and 2) External organizational challenges, including (structural and managerial weaknesses in civil society institutions and weak knowledge management in crime prevention). Furthermore, for "validity testing" of the constructed themes and model, two methods were used: communicative validation and audit methods. For "reliability testing," two approaches were employed: repeatability and transferability or generalizability.

**Keywords:** Crime, Minimalist Criminal Policy, Civil Society, Pathology

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## 1. Introduction

From the beginning of human life on Earth until now, humanity has always been confronted with the issue of crime and delinquency. All schools of thought, religions, societies, and systems have sought to develop laws aimed at reducing crime and establishing security. These efforts have manifested in the formulation of "criminal justice systems," which can be examined in various dimensions, one of which is "criminal policy." Criminal policy refers to "a set of repressive methods

through which the state responds to crime" (Mahdavi Sabet & Moradi, 2017). This concept has two meanings: a narrow meaning and a broad one. The narrow meaning of criminal policy refers to "all methods and procedures through which the social body organizes its response to criminal phenomena (crime and deviation)". In this sense, it is understood as the state's punitive response to crimes. However, the broad meaning of criminal policy refers to a recent discourse that, in a broader perspective, outlines a scientific model for criminal policy, demonstrating that crime is no longer the central



focus of this concept. In addition to the state, civil society also plays a role in this approach. Thus, civil society can be defined as a domain of social relations independent of political power, encompassing a collection of institutions, associations, and civil and private organizations (Beshiriyeh, 1995). The provided definition shows that civil society organizations can help combat crimes by interviewing survivors, drafting reports on alleged violations, advocating for justice mechanisms, and filing cases in courts on behalf of victims. All this information may be incorporated into current or future judicial processes related to killings, disappearances, torture, sexual violence, crimes against children, or other violations that could amount to war crimes, crimes against humanity, or even genocide (OSCE, 2022). In other words, civil society actors can enhance the skills of government officials in effectively engaging with communities, improving trust, fostering partnerships, overcoming barriers, and reducing mutual distrust. Moreover, in some cases, civil society and non-governmental organizations, due to their grassroots nature, are better positioned to combat crimes (Whine, 2019). Therefore, it can be argued that the significant and extraordinary function of civil society in combating crimes, reducing their volume, adopting preventive policies, and raising awareness has led many countries worldwide to modify their criminal and legislative policies under the principle of "minimalism in the criminal justice system" and to highlight the role of civil society and its institutions. This concern has also been reflected in Iranian penal laws through numerous efforts to minimize the criminal justice system and utilize civil society mechanisms. For example, reference can be made to the alternative sentencing provisions in the Islamic Penal Code enacted in 2013, the implementation of the eight mandates of Article 43 of the Islamic Penal Code, which require public engagement or at least cooperation with civil organizations, Article 66 of the Code of Criminal Procedure, Article 14 of the Law on Supporting Enjoiners of Good and Forbidders of Evil, Paragraph 1 of Article 66 of the Code of Criminal Procedure, and Article 82 of the Code of Criminal Procedure of 2013 concerning "judicial mediation," among others. However, a detailed and critical comparison of Iran's legislative-criminal system with international standards reveals that Iran's legislative criminal policy lacks uniformity and coherence, often displaying a degree of disorder and

inconsistency. This has led to Iran's legislative criminal policy becoming, directly and indirectly, a contributing factor to crime and delinquency. Certainly, leniency and inappropriate reactions toward offenders undermine the deterrent effect of the law in preventing customs violations. These factors have resulted in significant weaknesses and shortcomings in Iran's legislative criminal policy, which appears to lack a coherent strategy in this regard. Therefore, the present article seeks to analyze the pathology of the role of civil society in crime prevention within Iran's criminal justice system.

## 2. Philosophy of Minimalism in the Criminal Justice System

Over the years and across various legal systems, it has been observed that purely retributive, severe, and repressive punishments have not yielded valuable results, and there is no direct correlation between the severity of punishment and its impact on individuals and society. Psychological, criminological, and penological findings indicate that considering the criminal's personality, the circumstances under which the crime was committed, and showing leniency to some offenders, as well as reducing or moderating their punishment, are not only inevitable in determining sentences but also produce significantly better results. Therefore, excessive punitive measures should be avoided (Vafaie Motlagh, 2020). The principle of minimalism in criminal law can be broadly examined from two perspectives. The first perspective is result-oriented, emerging from the harmful consequences of disregarding minimalist criminal law principles and the overuse of criminal justice, leading to a shift towards frugality in applying criminal justice and embracing minimalist criminal law. The second perspective focuses on analyzing the concept of liberty, which, irrespective of the outcomes, justifies minimalist criminal law as a rule and principle (Karami, 2020). This approach is also discussed in Islamic texts under the principle of dominance and the principle of non-sovereignty. However, it can be said that the creation of the principle of minimalism in criminal law is tied to recognizing the right not to be punished as a fundamental human right, alongside other rights. This principle is justified either through a penological evaluation of the results of expansive criminal law or through a shift in theoretical foundations in responding to crime and the development of new interpretations and

concepts in the domain of liberty (Gholami, 2016). Minimalism in punishment is often referred to in terms such as punishment as a last resort, minimal use of punishment, the subsidiary nature of criminal law, minimal punishment, criminal law economy, the principle of subsidiarity, or the principle that criminal law should be a last and minimal resort. These terms are sometimes used synonymously with minimalism in punishment. In other words, minimalism in punishment refers to reducing criminal intervention to the least possible extent, as criminal interventions are the most severe forms of governmental power. The question of why punishments are imposed and how to justify them has always been present and remains unresolved. Punishment is often a harsh, bitter, and unpleasant experience for those subjected to it and their dependents; therefore, there must be a logical justification for imposing it (Babaei & Gholami, 2012). Accordingly, minimalism in punishment can be defined as the retreat from punishment and the use of alternative methods, tools, and non-criminal mechanisms in responding to crime and delinquency (Vafaei Motlagh, 2020).

The principle of minimalism in criminal law suggests that criminalization should be a last resort when addressing social deviance. In fact, it advocates for a balance between governmental power and citizens' rights, emphasizing minimal use of criminal law by governments. A government elected by the people cannot, by merely holding power, impose arbitrary commands on its citizens. Justifying criminalization and punishment is a fundamental and primary task of any criminal justice system. This principle is derived from the philosophical theory of liberalism and focuses on forming a minimalist criminal law that opposes maximalist systems. The basis of this principle revolves around liberal philosophy's view of humans and their rights as citizens in society and the role of the state as a provider of security for its citizens. Furthermore, from the perspective of republicanism, minimalism is regarded as the "mother of all principles" (Ghasemian, 2020). Based on the above, it can be argued that in distinguishing between substantive and procedural principles in criminalization, it has been said that when individuals violate a substantive principle and are punished for it, they have a legitimate right to complain against the state, as the state may not have sufficient

justification for criminalizing their actions. However, when someone violates a procedural principle, they cannot claim injustice, even if the state lacks adequate reasons for criminalizing that behavior, as these reasons are practical rather than moral or substantive.

### 3. Civil Society and Its Historical Development

Civil society is broadly recognized as the space outside of family, market, and government. Since the concept first gained popularity in the 1980s, the composition of civil society has evolved and grown, now encompassing a wide range of organized groups, including non-governmental organizations, social movements, labor unions, grassroots organizations, religious groups, networks, and online communities. Early European political philosophers primarily defined civil society in the context of the relationship between the state and society (Mackey, 2021). According to Hobbes and, even more clearly, Locke, the state originates from civil society, remains accountable, and is thus associated with but not identical to civil society. Other philosophers, such as Montesquieu and Tocqueville, saw civil society as at least partially in opposition to the state. Marxists like Gramsci identified civil society as existing outside the realm of state power. These relational definitions of civil society are also reflected in recent literature. Fukuyama defines civil society as a realm that creates social structures separate from the state, which serve as the foundation for democratic political institutions. Al-Bishri refers to civil society as an "informal network of relationships," arguing that "reciprocal social relations" strengthen society, with a focus on property and commercial transactions (Mackey, 2021). The Centre for Civil Society at the London School of Economics and Political Science uses a practical definition that includes four sectors, adding family as another sector: "Civil society refers to the arena of collective action around shared interests, purposes, and values, independent of coercion. In theory, its institutional forms are distinct from the state and market, though in practice, the boundaries between state, civil society, and market are often complex, blurred, and contested" (Kastrati, 2016). Based on these definitions, it can be said that in the 1990s, building on experiences and debates from the previous two decades, particularly in Eastern Europe, there was a surge in the conceptual significance of civil society, which became crucial for various groups in post-

communist and third-world societies. In this context, Craig Calhoun brought the issue of civil society from academic circles into broader public discourse. The concept soon became a topic of discussion among managers, foundations, entrepreneurs, politicians, and other groups (Attar, 2009). In this regard, the idea of civil society played a central role in Eastern Europe during the 1980s (Madison & Ronaghi, 1998). In other words, 1989 marked the flourishing of societies that aspired to be civil. The general public's initial and unsophisticated understanding of the term likely did not satisfy political theorists. However, such ideas existed and carried fundamental demands. People generally believed they should be civil, meaning respectful, tolerant, and, above all, not forced into anything. Society and civility, along with the belief in the rights of fellow citizens, had to be taken seriously (Madison & Ronaghi, 1998). It is clear that the embrace of civil society during these years did not signify the emergence of this concept but rather a revival of an old idea, one that dates back to the ancient Western world, with roots in ancient Greece, especially in the collective life of the Greek city-state. This term was originally used by Aristotle to refer to all forms and sizes of human community, whose members remained together through some commonality and shared interests. In a sense, civil society has been used in three different meanings in the Western intellectual tradition: first, as a condition preceding the formation of the state; second, as a condition that arises after the state's decline; and third, as a notion that views civil society as the successor of the state in the future (Beshiriyeh, 1995). Compared to Greek concepts of social relations, civil society is situated between the polis (the political system, although in Greece the boundary between political and social order was quite blurred) and the oikos (family and private order). In other words, civil society is the public domain between citizens and the state, serving as a protective shield that mitigates the untimely actions of the state against individuals and, therefore, does not encompass the private domain or the state. Based on this, Larry Diamond defines civil society as an organized social realm, self-creating, highly self-reliant, and independent of the state, which is autonomous and adheres to a legal order or a set of common laws. Citizens in this realm express their demands, interests, ideas, and exchange information (Beshiriyeh, 1995). This approach often leads to civil

society being perceived as an independent domain in contrast to the state. However, three relationships between the state and civil society can be identified.

First, civil society can be seen as part of the state, meaning it is the domain in which the state imposes its values and hegemony and co-opts its institutions to function according to its ideology. In this situation, civil society loses its independence, as all its institutions and domains are subsumed under state control, functioning to create obedient and normative citizens. Therefore, in this relationship, civil society does not have an identity independent of the state but rather acts as the ideological arm of the state, extending its soft hegemony into the social order.

Second, civil society is independent of the state. This situation aligns with the liberal principle of the "necessity of state non-interference in civil society and the preservation of its independence." In this view, a strong and institutionalized civil society resists the state's attempts to extend its moral and cultural hegemony into the social order and colonize its institutions. In military terms, civil society in this view can be seen as a defensive stronghold that protects society from the state's harsh and intrusive assaults. Therefore, civil society is conceptualized in opposition to the state, and there is a form of cold war between them.

Third, there is the "balanced relationship." In this situation, civil society is a domain of competition, but not between the state and social order. Instead, it is a competition between values and norms that are almost equal in standing, all vying to influence public policymaking and provide guidance to the political order in the form of the state. In this condition, the coercive apparatuses of the political society rarely encroach upon the realm of civil society, and civil society retains relative independence from political society. In this view, civil society is a dynamic and vibrant space where its power balance is constantly shifting, influencing the functioning of the political state. The relationship between the state and civil society, in this condition, is real—not so independent that their internal conditions are unaffected by each other, but not so intertwined as to be inseparable or indistinguishable. It is this third condition that grants civil society its democratic character and turns it into a domain of hegemonic and counter-hegemonic struggles (Salamati, 2012). In this approach, a civil society is inherently pluralistic or polycentric, composed of

distinct orders and methods with shared boundaries. These orders are nothing but the legacies of human agency's representation in different domains of life, which can rightly be considered domains of freedom (Madison & Ronaghi, 1998). This interpretation replaces the previous two conditions with the concept of civil society as a domain of democratic social interaction (Attar, 2009). Here, civil society does not aim to strengthen itself in opposition to the state but instead seeks to empower all citizens to ensure a degree of governmental accountability. With the backing of the rule of law and the institutionalization of civic actions among citizens, civil society displays an arena of civil tolerance and moderation.

#### 4. Civil Society and Minimalist Criminal Policy

The concept of civil society in minimalist criminal policy reflects the third balanced relationship between civil society and the state. It encompasses organized, purposeful, and voluntary cooperation by individuals against disruptive and repressive forces or the atomization of individuals (Ghafari & Colleagues, 2008). Its realization comes in the form of minimalist criminal policy, which provides the necessary conditions for reducing crime and offenses. It goes without saying that the relationship between crime and civil society is mutual and reciprocal. Therefore, it can be argued that the extraordinary significance and function of civil society in combating crime, reducing its volume, adopting preventive policies, and raising awareness has prompted many countries to change their criminal and legislative policies. Under the title "minimalism in the criminal justice system," civil society and its institutions have been given a more prominent role.

#### 5. Civil Society in Iran's Minimalist Criminal Policy

The concern for minimalist criminal policy, centered on civil society, has also been reflected in Iran's penal laws, through numerous efforts aimed at minimizing the criminal justice system and utilizing civil society mechanisms. For instance, reference can be made to local regulations based on the majority rule of each region's people (Article 59), holding referenda and consulting people's direct votes in critical matters, and above all, Article 56 of the Constitution, which explicitly states: "The right to sovereignty has been entrusted to

humanity forever." Other examples include the alternative sentencing provisions in the Islamic Penal Code enacted in 2013, the implementation of the eight mandates of Article 43 of the Islamic Penal Code, which require public engagement or at least cooperation with civil organizations, Article 66 of the Code of Criminal Procedure, Article 14 of the Law on Supporting Enjoiners of Good and Forbidders of Evil, Paragraph 1 of Article 66 of the Code of Criminal Procedure, and Article 82 of the Code of Criminal Procedure of 2013 concerning "judicial mediation," among others.

Therefore, it can be concluded that civil society, through the enactment of laws, exercises its sovereignty via its institutions. The criminal policy of the government also seeks to align with this principle, striving to adhere to the sovereignty of society in various aspects of criminal policy. The aforementioned laws demonstrate that Iran's criminal-legislative policy attempts to utilize civil society mechanisms to minimize the criminal justice system. Although these laws represent a significant step in this direction, more efforts are needed to further this cause.

#### 6. The Role of Civil Society in Crime Prevention in Minimalist Criminal Policy

This section aims to address the most important functions of civil society in crime prevention within minimalist criminal policy.

##### 6.1. *Independent Monitoring, Research, and Investigation*

Research and investigative activities concerning organizational responses or specific forms of crime, such as drug or human trafficking, illegal arms trade, or violence stemming from organized crime groups, serve as excellent examples of active and visible methods employed by civil society to combat crime. Notably, the vigorous activities of civil organizations and investigative journalists in exposing connections between the United Nations and high-level policies, as well as the presence of their representatives in the media, are among the most prominent and loud actions aimed at combating organized crime (Stojanović, 2020). Unlike investigative journalism, which relies on facts and evidence to uncover the truth, research into specific forms of crime is based on deeper insights and primarily utilizes literature, databases, and interviews with relevant experts. The extensive use of publicly available

data and information aids civil society organizations in uncovering crimes in ongoing cases and puts pressure on governments to take action. However, due to governmental opacity, implementing investigative methods can be difficult in certain countries. Another issue lies in the statistical handling of organized crime cases within criminal justice systems and how this impacts the understanding of the phenomenon itself. For example, in Serbia, due to the use of different databases, it is challenging to track trials through the police-prosecutor-court system. This problem also exists at the regional level, where there is no unified method of data collection, storage, or reporting. Additionally, security risks for researchers and journalists are prevalent, particularly in countries with lower levels of democracy and in societies that hold negative attitudes toward certain civil organizations. Moreover, informal monitoring by civil institutions and public participation in managing community affairs is an inevitable necessity. Civil institutions can supervise the performance of public and government institutions, making their activities transparent and subject to public judgment (Hosseini & Nozari, 2014), which plays a crucial role in reducing and preventing crime.

Additionally, trials of organized crime are another outcome of civil organizations' activities in combating organized crime. For instance, civil organizations like Libera can take pride in numerous cases of organized crime that have been brought to court. Libera has had more than 25 such cases, and although these trials may take years, they are excellent examples of civil society organizations working to combat and prevent crime (Stojanović, 2020, pp. 15-16).

### 6.2. Awareness Raising

Monitoring and investigative methods are effective and efficient when the negative effects of illegal activities and the harm they cause to society are made visible. By understanding "awareness raising" as a process aimed at informing and educating people about crimes, those involved in raising awareness must be present everywhere and continuously committed to exposing illegal activities (Stojanović, 2020). This concept is also reflected in Islamic criminal policy, where public participation in crime prevention, in the form of enjoining good and forbidding wrong, is emphasized as the most important oversight institution for combating

crime. However, depending on the meaning of good or wrong intended, the role of enjoining good and forbidding wrong can differ. If a narrow meaning is intended, this approach in Islamic criminal policy is limited to obligatory and prohibited behavior. Meanwhile, Islamic criminal policy, with its variety of responses to norm violations, ranging from internal disapproval and verbal warnings to more severe reactions, includes avoiding recommended acts and engaging in disliked ones with milder degrees of involvement in enjoining good and forbidding wrong (Hosseini & Nozari, 2014).

Another good example of raising public awareness is the so-called anti-mafia campaigns that affect the daily lives of European citizens. For instance, a civil society organization in Italy adds a "mafia-free" label to products, and the "Mafia? No, Thanks" initiative in Germany encourages small entrepreneurs to reject any mafia intimidation and make their voices heard that they have no ties to organized crime. However, while these short-term activities are good examples of public awareness campaigns, it must be understood that only continuous awareness-raising activities can have long-term effects on combating and preventing crime (Stojanović, 2020).

### 6.3. Assistance and Service Provision to Various Groups

Service-based activities have been proven to significantly reduce the harm caused by crime. Service providers working with local communities to rehabilitate and reintegrate youth vulnerable to organized crime (such as civil organizations that work with victims of human trafficking and migrant laborers or those engaged in drug prevention and assistance to prisoners) play a crucial and visible role (Stojanović, 2020). The points raised highlight several key observations. First, civil society institutions and non-governmental organizations play an unparalleled role in fighting crime, reducing its volume, adopting preventive policies, and providing services and education. Second, through these institutions, people become aware of governmental issues that affect them, remain informed, and develop expectations about standards. They are also in a position to pressure officials to meet these standards. This is perhaps why it is said that "involving people in the criminal justice system and crime prevention is essentially based on the solidarity of the

official state and the informal community of people and civil institutions. This solidarity helps reduce the burden on the judiciary system while simultaneously improving its efficiency and speeding up its performance by delegating some tasks of the criminal justice system to the people, which also reduces the judiciary's budget. It is obvious that crime prevention without the help and participation of the public cannot achieve desirable results since crime is a social issue, and controlling it is a duty shared between the government and every citizen" (Jamshidi, 2016).

#### 6.4. *Institution Building and Networking*

In the realm of crime prevention in general and eradication in particular, one of the key issues for theorists is the importance of institution-building and networking. Without well-established institutions or properly formed processes, crime development is inevitable. Therefore, the real and urgent need for societies to combat crime from a preventive perspective lies in focusing on institution-building and capacity development. It is essential to consider the unique characteristics of each society in achieving these institutions because institutions are the result of a process that becomes ingrained over time, and there is a strong connection between crime and institution-building. Institutionalists believe that there is an organic relationship between the two, as they are parts of the same social order, referred to as the "dual balance theory." They argue that maintaining fundamental transformations in one system cannot occur without fundamental changes in the other (North et al., 2017).

Thus, the new institutionalism specifically emerged by emphasizing the lack of institutional content at the core of neoclassical theory and explicitly focused on transaction costs, combining attention to law, sociological, and psychological discussions alongside economic concepts, using tools like game theory in modeling, serious attention to intellectual property rights, contract law, business organizations and regulations, constructive balance between market institutions, the state, and civil society, a competitive work environment, and attention to informational constraints in shaping limitations, rationality, and expectations, while increasingly emphasizing values and shared institutions like social capital, trust, community, civil society, and more (Sharif Azadeh & et al., 2014).

Thus, it can be said that the ideal political and social model of institutionalism is the model of "good governance," which requires the existence of the "state" institution and its interaction with "civil institutions" and the "free market" to combat crime. By proposing governance as a concept beyond government, it considers the endogenous connection between all key components of society necessary for economic growth and crime prevention. Therefore, it can be analyzed that establishing a network, which includes civil organizations, academic criminologists, and local communities with a shared focus on crime research, is another crucial mechanism for combating crime. In this context, networking within civil society among specialized think tanks and community-based organizations holds special importance. The exchange of information, experience, and knowledge is paramount in this regard. The "networking" method helps gather different disciplinary perspectives and experiences to develop a comprehensive approach to organized crime. The Crime Prevention and Criminal Justice Alliance brings together a broad network of civil society organizations that contribute to achieving security and justice for all. It ensures that civil society is recognized and heard in advancing the crime prevention agenda, criminal justice policies, and the design, implementation, and evaluation of relevant policies. Within the framework of this alliance, cooperation will be strengthened, and each member's expertise and perspective will be enhanced to add value and support the activities of relevant international organizations, especially the United Nations Office on Drugs and Crime. The Crime Prevention and Criminal Justice Alliance encourages its members to play a key role in achieving the Sustainable Development Goals, particularly in achieving the goal of "promoting peaceful and inclusive societies for sustainable development, providing access to justice for all, and building effective, accountable, and inclusive institutions at all levels." Strengthening relationships between civil society components, particularly policymakers and national officials, enhances the connection between society and the state, leading to mutual efforts to prevent crime (Stojanović, 2020).

### 6.5. *Support for Anti-Crime Solutions or Sustained Pressure on Institutions*

Supporting updated regulations and laws in combating crime, especially in environments with a long history of illegal activities, can be effective and efficient. One of the best examples includes cases involving Liberia, where activities and mobilization of public opinion and academics led to the passage of the Social Use of Confiscated Assets Act in 1996. This measure had a widespread impact and led to the enactment of similar laws or projects in other countries. A crucial step in strengthening civil society's influence is maintaining pressure on national authorities. By developing legitimacy through research, exposure, and combating crime, civil society organizations enhance their ability to pressure institutions. This is the most common method used through various channels (media, internet, public conferences, street actions, etc.) to express public concern about the negative effects of organized crime activities (Stojanović, 2020).

## 7. Methodology

This article utilizes the thematic analysis method, specifically the theme network approach, to investigate the role of civil society in crime prevention in Iran. The theme network, developed by Attride-Stirling (2001), is a tool in thematic analysis that illustrates the relationship between themes in a structured network. To develop a theme network, the following steps are taken: a) identifying basic themes (key ideas and textual highlights), b) identifying organizing themes (themes derived from synthesizing and summarizing basic themes), and c) identifying global themes (overarching themes encompassing the main principles governing the text as a whole). Global themes are positioned at the core of the theme network, while organizing themes serve as intermediaries between global and basic themes. Once these steps are completed, the identified themes are mapped out in web-like networks, displaying the

prominent themes along with the relationships between them.

## 8. Findings

### 8.1. *Developing the Model of Civil Society's Role in Crime Prevention in Iran*

Step 1: Fragmenting and Analyzing the Text

Step 1.1: Creating a Coding Framework and Fragmenting the Text into Key Sentences:

In the first step, a coding framework was established based on the descriptions, interpretations, and comments of the interviewees regarding the semi-structured interview questions related to the phenomenon under study. These were emphasized, highlighted, and confirmed multiple times. As a result, the extracted text from the interviews was converted into key sentences or highlighted statements.

Step 1.2: Identifying Themes:

In this stage, each key sentence or highlighted statement was assigned a code or theme. These themes were later refined and corrected.

Step 1.3: Building the Theme Network

#### a. Identifying Basic Themes

In the initial phase of constructing the theme network, the basic themes were identified and organized from the key sentences or highlighted statements frequently mentioned by the interviewees, achieving theoretical saturation. In this open coding stage, 85 basic themes or key textual highlights were identified to design the model of civil society's role in crime prevention in Iran (refer to Table 1).

#### b. Identifying Organizing and Global Themes

Following the process of theoretical coding, using axial and selective coding methods, the basic themes were synthesized and combined into organizing themes. Subsequently, the organizing themes were further synthesized into global themes. Table 1 illustrates the theoretical coding process for identifying the themes of the model concerning the role of civil society in crime prevention in Iran.



**Table 1.** Theoretical Coding Process to Identify Themes of the Model for Civil Society’s Role in Crime Prevention in Iran

Global Themes (Selective Coding)	Organizing Themes (Axial Coding)	Basic Themes (Open Coding)
External Organizational Issues	Legal and Regulatory Issues	Lack of comprehensive laws for NGOs – Lack of a defined role for civil society in criminal policy – Lack of civil society’s deterrent capacity – Abstract criminal policy in Iran’s legislation regarding crime and punishment – Punitive, intimidation-driven criminal policy – Traditional approach to legislative criminal lawmaking – Ignoring the principle “When the law increases, justice is confused” – Disorganization in legislative criminal policy due to lack of coherence and planning – Multiple legislative authorities in criminal policy – Lack of adherence to scientific principles in legislative criminal policy – Rejection of scientific research in criminal policy – Individualism and subjectivity in criminal policy – Weak specialization in criminal policy – Applying general penal laws in contemporary Iranian law – Lack of a legal approach for crime prevention policy – Delays between finalizing and enforcing criminal judgments – Difficulty and impossibility of enforcing some religious and customary penalties – Ambiguous and indirect references to crime prevention in laws – Ineffectiveness of laws in crime prevention – Outdated laws and regulations – Failure to address legal issues related to alternative punishments – Iran’s criminal system not aligning with comprehensive international criminal systems – Lack of restorative perspectives and punitive orientation in criminal policy – Disorganized approach to Iran’s legal system – Limited involvement of lawyers in national security crimes under Article 48 of the Criminal Procedure Code – Insufficient oversight of certain punishments, such as flogging – Lack of comprehensive laws for public participation – Disorganized and incoherent criminal regulations – Excessive infringement on individual rights and freedoms – Overuse of the death penalty – Inflation crisis in the criminal justice system – Reductive criminology and informal methods
	Executive Issues Related to Government	Centralization and non-transparent bureaucracy – Government’s weak belief in the role of NGOs – Difficulty obtaining permits for NGOs – Government’s insufficient understanding as a facilitator and enforcer – Gaps in public policy processes – Lack of a clear framework for balancing civil society’s role in proactive prevention – Lack of direct oversight by civil society over government misconduct – Weakness in overseeing law enforcers – Lack of clear definition of civil society’s various roles – Excessive power of governmental institutions – Ambiguity regarding civil society’s role in crime prevention – Weak community-centered policies – Authoritarianism in criminal policy – Absence of civil society participation in crime prevention – Lack of methods to implement various crime prevention strategies – Lack of enforcement mechanisms and disregard for NGO input – Lack of civil society’s involvement, even in honorary policing
	Lack of Awareness and Weak Cultural Development Regarding Civil Society	Public unawareness of civil society’s functions – Lack of public understanding of the voluntary nature of NGOs – Public unawareness of civil society’s independence from government – Lack of recognition of desirable customs – Lack of groundwork for civil society’s role in crime prevention – Misunderstanding of civil society – Weak legal culture and inadequate legal assistance – Absence of natural civil society development in Iran – Lack of organizational or theoretical perspective on civil society – Overemphasis on Islamic geography model with pragmatic considerations – Lack of cultural development for civic activities
	Weak Social Capital in Society	Distrust in the judiciary – Decline in respect for societal values – Decrease in social responsibility – Reduction in public participation – Individualism and subjectivity – Self-centeredness – Public dissatisfaction and distrust in criminal policymakers – Distrust in law – Lack of faith in law enforcers – Lack of delegation from governmental institutions to civil society – Distrust among officials regarding NGO capabilities – Distrust among officials regarding civil society’s abilities
	Economic Issues	Absence of a comprehensive roadmap for civil society’s economic needs – Lack of physical resources – High cost of accessing justice – Economic volatility
Internal Organizational Issues	Legal and Executive Redundancies	Overlapping legislative proposals between the judiciary and other relevant bodies – Multiple agencies enforcing criminal sentences – Legislative redundancy and overlapping roles of formal institutions – Lack of clear boundaries for civil society’s involvement – Multiple legislative bodies
	Structural and Managerial Weaknesses in Civil Society Institutions	Lack of proper organization in civil society institutions – Lack of professional performance in these institutions – Inappropriate organizational structure
	Weak Knowledge Management in Crime Prevention	Insufficient legal knowledge among civil society activists – Low general knowledge about crime prevention – Lack of familiarity with basic legal concepts – Lack of public education about crime prevention – Weakness in individual and social empowerment – Lack of communication and sharing of experiences among NGOs – Lack of attention to the issue of prevention – Weak specialization and expertise among civil society activists

8.2. Identifying Organizing and Global Themes

During the theoretical coding process, through axial and selective coding, organizing themes were first identified

by summarizing and combining basic themes. Then, by summarizing and combining the organizing themes, global themes were identified. Table 2 shows the number of global, organizing, and basic themes for the model of civil society’s role in crime prevention in Iran, derived

from the qualitative data obtained from semi-structured interviews with legal experts.

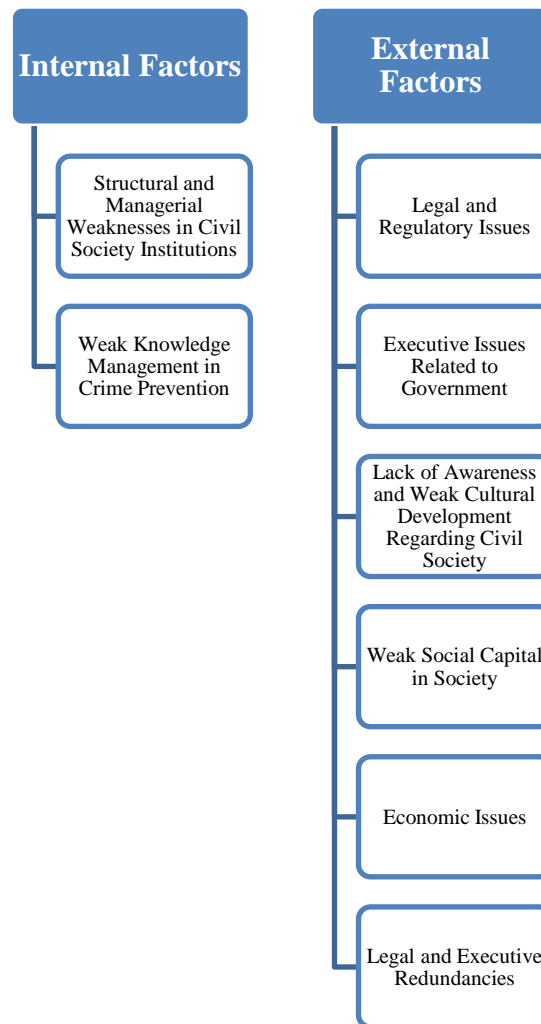
**Table 2.** Number of Different Themes in the Model of Civil Society’s Role in Crime Prevention in Iran

Row	Global Themes	Organizing Themes	Basic Themes
1	External Organizational Issues	Legal and Regulatory Issues Executive Issues Related to Government Lack of Awareness and Weak Cultural Development Regarding Civil Society Weak Social Capital in Society Economic Issues Legal and Executive Redundancies	85
2	Internal Organizational Issues	Structural and Managerial Weaknesses in Civil Society Institutions Weak Knowledge Management in Crime Prevention	3 8
Total	2	8	96

As shown in Table 2, the model of civil society’s role in crime prevention in Iran, based on semi-structured interviews with 12 experts and scholars in the legal field, reached theoretical saturation with 2 global themes, 8 organizing themes, and 96 basic themes. After

identifying the global, organizing, and basic themes for the model, the conceptual model of the study or the theme network was developed based on the global and organizing themes.

**Figure 1.** Number of Different Themes in the Model of Civil Society’s Role in Crime Prevention in Iran



## 9. Conclusion

The adoption of a minimalist criminal justice system is one of the essential conditions for reducing crime. First, the expectations placed on the criminal justice system, which bears the responsibility for promoting justice, are very high. Second, this system, as the public prosecutor, is obligated to defend public rights. Third, it plays the most effective role in crime prevention at every stage of the judicial process, all of which contribute significantly to societal psychological security. An analysis of this article through thematic analysis, based on interviews with 12 experts in criminal law and criminology, indicates that a minimalist criminal justice system is an unavoidable necessity in Iran. While significant steps have been taken in this regard and appropriate laws have been enacted, the system still falls far short of existing ideals. The network model of the weaknesses in civil society's role in crime prevention in Iran is structured around two global themes of damage: a) external organizational damage and b) internal organizational damage.

### 9.1. External Organizational Damage:

This theme includes six organizing themes: legal and regulatory issues, executive issues related to the government, lack of awareness and weak cultural development regarding civil society, weak social capital in society, economic issues, and legal and executive redundancies. These findings suggest that civil society in Iran suffers from legal and regulatory weaknesses, especially from a preventive perspective. More specifically, due to outdated laws and a traditional approach to legislation, as well as the adoption of punitive rather than restorative criminal policies, the legal system has failed to enact appropriate legislation in this area. Additionally, the comprehensive role of civil society institutions in crime prevention has not been clearly or precisely defined, either in legal terms or within the legal framework.

Furthermore, it must be noted that social trust (both interpersonal and institutional trust) and citizen participation rates are reportedly below standard levels, according to interviewees, which has had a direct impact on the weak social capital in society. This situation creates challenges for cooperation between civil society

institutions and citizens on the one hand and between civil society and governmental and judicial institutions on the other. In addition, due to the structural weaknesses of civil society institutions (addressed in the section on internal organizational damage), they have not been able to develop a cohesive and clear strategic document to implement consistent operational strategies and programs, including public awareness and cultural development in the area of crime prevention. Lastly, economic problems and the issue of redundancy and multiple actors in both the legislative and executive domains have prevented civil society institutions from functioning effectively as public mechanisms in crime prevention.

### 9.2. Internal Organizational Damage:

This global theme consists of two organizing themes: structural and managerial weaknesses in civil society institutions and weak knowledge management in crime prevention. On the one hand, civil society institutions face structural and managerial weaknesses in fulfilling their role. At the structural level, issues such as the lack of an appropriate organizational structure (including an organizational chart, internal operational guidelines, and a clear strategic document) can be identified. Additionally, the lack of proper organization and the absence of professional performance within these institutions are among the managerial weaknesses of civil society institutions.

On the other hand, civil society institutions also suffer from weak knowledge management in crime prevention. More specifically, this weakness can be observed in the following areas: knowledge acquisition (such as insufficient legal knowledge among civil society activists, low general knowledge about crime prevention, lack of familiarity with basic legal concepts, and the lack of specialization among civil society activists), knowledge application (such as the lack of public education about crime prevention and weakness in individual and social empowerment), and knowledge sharing (such as the lack of attention to the issue of prevention and the failure of NGOs to communicate and share experiences with one another).

In summary, based on the basic, organizing, and global themes and the construction of the network model of civil society's role in crime prevention in Iran, along with the analysis and interpretations provided in the text, it

can be concluded that the challenges facing civil society in general, and its mechanisms specifically, are divided into two areas. In the external domain, the challenges are structural, organizational, and functional. More specifically, issues such as legal and regulatory, economic challenges, and weak social capital (in consideration of the broader paradigm of social capital rather than the network-based approach) exist at the structural level. Other issues, such as executive problems related to the government, lack of awareness and weak cultural development regarding civil society, and legal and executive redundancies, exist at the organizational and functional levels. In the internal domain, the challenges facing civil society and its mechanisms are structural and managerial (whether related to institutional management or knowledge management in the area of crime prevention).

### 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.

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### Declaration of Interest

The authors report no conflict of interest.

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### Ethical Considerations

Not applicable.

### References

- Attar, S. (2009). Social Capital, Civil Society, and the State: Elements for Achieving Development. *Political Science Journal*, 39(4).
- Babaei, M. A., & Gholami, M. (2012). The Most Important Aspects of Penal Minimization in Islamic Criminal Law. *Legal Thought Journal of Imam Khomeini International University, Social Sciences Faculty*(3).
- Beshiriyeh, H. (1995). *Political Sociology*. Ney Publishing.
- Ghafari, M., & Colleagues. (2008). Social Capital, Civil Society, and Democracy: Reciprocal or Unilateral Relationship. *Political Science Research Journal*, 3(4).
- Ghasemian, F. (2020). Application of the Principle of Minimization in Criminal Law. 6th National Conference on New Research in Humanities, Economics, and Accounting in Iran.
- Gholami, H. (2016). *Penology*. Mizan Publishing.
- Hosseini, & Nozari, F. (2014). Islamic Criminal Policy on Administrative Corruption and Comparative Study with International Standards. *Quarterly Journal of Criminal Law and Criminology Studies*, 1(1).
- Jamshidi, A. (2016). *Participatory Criminal Policy*. Mizan Legal Foundation.
- Karami, W. (2020). *The Principle of Minimization in Criminal Law in Religious Teachings* Razavi University of Islamic Sciences].
- Kastrati, A. (2016). Civil Society from Historical to Contemporary Perspectives. *European Journal of Multidisciplinary Studies*, 1(1), 64-68. <https://doi.org/10.26417/ejms.v1i1.p64-68>
- Mackey, J. (2021). *What is Civil Society and what is the Relevance of Civil Society Organizations (CSOs) in dictatorships and democratic Government?*
- Madison, J., & Ronaghi, S. (1998). Civil Society. *Strategy Journal*, 1(2).
- Mahdavi Sabet, M. A., & Moradi, Q. (2017). Iran's Criminal Policy in Cyberspace. *Quarterly Journal of Social Sciences Studies*, 3(4).
- North, D., Mirdamadi, M., & Naeimi Pour, M. H. (2017). *Under the Shadow of Violence*. Rosaneh Publishing.
- OSCE, O. (2022). *Civil society is key to addressing hate crime, says OSCE's human rights office*. <https://www.osce.org/odihr/531137>
- Salamati, H. (2012, February 7). Gramsci: The State and Civil Society.
- Sharif Azadeh, M. R., & et al. (2014). Examining the Impact of Neoclassical and Institutional Variables (Good Governance Indicators) on Employment Rates in OECD Developed Countries. *Quarterly Journal of Applied Economics*, 4.
- Stojanović, F. (2020). *Civil Society against Organised Crime: Roles, Methods and Practices*.
- Vafaie Motlagh, M. (2020). *Minimalism in Iran's Criminal Policy (Concept, Foundations, and Aspects)* Criminal Law Department, Faculty of Principles of Religion, Qom].
- Whine, M. (2019). Cooperation between criminal justice agencies and civil society in combating hate crime. *Crime, Law and Social Change*, 71(3), 275-289.