

Research Article

THE EFFECT OF INSTRUCTION MANIFESTATIONS IN PENAL ENVIRONMENT

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Received: 10 Oct 2020 Revised and Accepted: 14 Dec 2020

ABSTRACT

Adopting a human and social approach and influenced by the findings of clinical criminology and based on a number of international indispensable and guiding documents and also taking advantage of the religious teachings, the correction and instruction policy of Iran's penal law has been in line with the rehabilitation of the criminals in the trial process in the penal environment and social reintegration in the grounds of community and certain evolutions have been made in this regard. The primary and important issue that is followed in this study is the extent to which the penal legislator has accepted the criminological teachings of the correction and instruction and the modern methods and evolutions he has created in the formative and substantive regulations. The method used in this research is descriptive-analytical and consequential based on the library-gathered information. Although the study is a qualitative research and its goal is the investigation of the manifestations of correction and instruction in the penal environment, reference has also been made to the penal laws and the important notions and thoughts of the penal schools in the area of criminology. The results indicated that the criminal policy decision-makers of Iran have made efforts through inspiration by clinical criminology to take into account the rehabilitative programs in response to some types of crimes (less important crimes) in the penal environment. It appears that the realm of the correction and instruction's criminological findings are being applied in the entire stages of the trial.

Keywords: correction and instruction policy, penal laws, personality file

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DOI: <http://dx.doi.org/10.22159/jcr.07.01.01>

INTRODUCTION

Correction and instruction policy is amongst the well-known approaches for responding to the criminal phenomena and the corrective measures' subject, programs and methods aim at the re-instruction and rehabilitation of the criminal and his or her return to the society (reintegration) with such purposes as prevention of recidivism and rendering the environment safe and sound. Rehabilitation idea is one of the most essential and most important common issues of the penal laws and criminology and it has drawn the attentions of the various sciences' thinkers, particularly the criminologists. Although the corrective attitudes somewhat date back to the theories of the well-known Greek philosophers such as Plato and Aristotle, the idea of the criminals' correction was proposed in the late 19th century by the positivist school and it was rendered prevalent and developed under the title of "modern social defense" headed by Mark Ansel.

Considering the fact that the main subject and realm of criminology is the correction and treatment, medicalization in the penal laws as well as investigation and study of the criminal form the axis of the clinical specialists (Ebrahimi, 2015, p.120). therefore, the process of correction and instruction in the criminal justice system obeys five principles, as the author believes, and if examination, diagnosis, prescription and administering of the drugs are considered as the medical treatment principles, this process in the criminal justice system by the actors includes the police in the observation stage, the public prosecutor office in the criminality diagnosis stage, court in the stage of the medications' prescription and law enforcement in prison in the stage of the administering of the drug and, in the end, the care center following the release in the stage of supervision on the recovery period.

The extensive researches and studies that have been done in various regions of the world all signify a lot of capabilities and efficiencies for many of the treatment and rehabilitation programs for the criminals, including the "reasoning and rehabilitation (R&R) program, the program for enhancing the cognitive skills (ETS), the program for the solving of the treatment problem and the program for the prevention

of the transmission and recurrence (RP) that have been experienced and tested inside the territories of countries like Canada, England and Sweden that have formally defended the ability and justifiability of the direct effect of the resort to the corrective methods and programs on the reduction of the recidivism (Ross and Fubiano, 1985, pp.5-44). Undoubtedly and based on the historical evidence, the performance of the rehabilitative actions in the penal laws is amongst the indices of a criminal policy that is in match with the observance of the reverence-oriented human principles. In line with this, whether before the enactment of the Islamic penal code of law, passed in 2013 and through the traditional corrective policies or after it, Iran's penal laws have largely paid serious attention to the modern corrective methods and predicted corrective-lenient provisions through the rehabilitative ideas in the substantive regulations. At present, it can be claimed with the enactment of the new Islamic penal codes of law and criminal trial procedures that the corrective and instructive criminological teachings have exited their merely subjective state and become a legal provision and mechanism (Niazpour, 2013, p.253) and their effects are found more tangible, more serious and more influential in comparison to the past; based thereon and within the format of correction-oriented cultural, professional, instructional and treatment programs in the various legal articles, rehabilitative institutions like half-freedom system, electronic freedom, daily pecuniary punishment, surveillance period, suspension and postponement of the indictment, archive writ and exemption from the punishment and so forth have been predicted. Assuming this, the primary and important issue that is chased in this research is the extent to which the penal legislator has become ready to accept the criminological teachings of the correction and instruction and the modern evolutions and methods he has created in line with this in the formative and substantive regulations. The method used in this research paper is descriptive-analytical and consequential and the required information has been collected through library research. Although the study is qualitative and its goal is the investigation of the effect of the correction and instruction manifestations in the penal environment, reference has also been made herein to the penal laws

and the important thoughts and notions of the penal schools in the area of criminology.

STUDY'S THEORETICAL FOUNDATION

International Scales in the Management of the Penal Environment:

The function of the correction and instruction stream includes all the individuals, actors, institutions and organizations that correctively supervise the culprit and/or convict and minor and other criminals and shoulder the responsibility of their control and treatment (Gholami, 2001, p.290) and, since the criminological teachings consider the criminal behavior's correction as a human-social reality, they consider proportional responses based on the biological, psychological and social properties in the entire stages of the fair trial (Najafi Abrand Abadi, 2009, p.19). Although there is still no correct perception of the resocialization programs in most of the low-income and underdeveloped countries, it has been underlined considering the correction policy's being a human right approach and in match with human veneration for the UN member states, including Iran, that the jailing system, specifically, and the penal system, in general, should be in such a way that the correction of the criminals and their return to the society are resulted (Najafi Abrand Abadi, 2007, p.20). Based thereon, the present study deals with the most important international documents and conventions for the management of the penal environment that includes the prevention of criminality and correction of the criminals, on the one hand, and correction of the provisions and institutions of the criminal justice, on the other hand.

1. Global Human Right Declaration:

Based on the human right declaration, an individual is held liable when s/he has been seminally supplied with rights in the society and, in case of a society member's non-achievement of his or her natural rights and the final crime perpetration, it is the criminal who has the right to demand conditions for a proper life from the society and the government, in general, and the criminal justice institutions, in specific, are obliged to set the ground for the correction and fostering of the criminal's personality.

2. Civil and Political Rights' International Treaty:

Besides the regulations that are directly pertinent to the punishment, principles like prohibition of torture and harsh and inhuman or humiliating behaviors with the prisoners have been underlined in this international document. Emphasis has been placed in this provision on the observance of the veneration of the position and rank of the human person even when depriving an individual (convict) from his or her freedom (Bullock, 2003, p.89) with the jailing system being actually the guarantor of the human treatment of the convicts and with its ultimate and important goal being the improvement and social readaptation of them so the conviction and incarceration should not at all deprive them from their human rights.

3. Collection of the Minimum Standard Regulations on the Way of Treating the Prisoners:

The conference on the collection of the minimum standard regulations was held in Geneva in 1955 and this set of regulations were approved by the economic and social council of the UN. In these regulations, a special attention has been paid to the conditions of the imprisonment and jails' management as well as to the nature, goal, behavior and methods of treating the criminals (Gholami and Nikoukar, 2015, p.54). In this regard, countless regulations have been predicted for the methods of keeping and correcting and instructing the criminals. The most important of them are the followings:

Maxim 69: it is necessary to design and codify proper programs based on the needs, capacities and vulnerabilities of the convicts.

Maxim 77: the required facilities should be provided for the maximal instructing of the prisoners, including the religious teachings and

literacy teaching in such a way that the education should be obligatorily presented to the juvenile delinquents and the jail administration should take care of this issue.

Maxim 80: the issues related to the future of the prisoner after freedom should be taken into consideration from the beginning of the incarceration period and they should be assisted to improve their affectionate relationships with the family members and the community environment in this regard.

4. Child Right Treaty:

In this treaty, the correction of the children and social support of them have been underlined in such a way that, based on the extant scales, it is better to evaluate the juvenile delinquents and their needs before the issuance of any sort of incarceration before the sentence enforcement (Gholami and Nikoukar, 2011, p.55). It has been expressed in article 37 of the treaty that "all of the imprisoned children should be responded properly and affectionately and kindly in respect to their childhood needs. Therefore, the jailing system is obliged to separate the place of the children's keeping from that of the adults and make phone calls and stay in touch with the family and the society in various ways for reintegration of the juvenile delinquents".

5. Bangkok Regulations:

This document was enacted under the title of the UN regulations about the way of treating the female prisoners and strategies other than imprisonment for the criminal women in 2011 in the general assembly of the UN. In fact, the foresaid document is a supplement to the collection of the minimum standard regulations on the ways of treating the prisoners. It has been stated in its maxim 40 that "special classification and evaluation methods should be considered for the female inmates' gender-related conditions and needs so that the proper and individual-by-individual planning can be carried out and the stages and process of rehabilitation, treatment and resocialization can be enforced in the prison". Despite being a supplementary document, the Bangkok regulations' text pays attention to the method of treating the female prisoners as one of the society's susceptible classes and, correspondingly, the personnel and staff of the prisons should be instructed and the corrective programs about the female inmates should be designed in such a way that the lowest damage is imposed onto their physical and psychological health.

6. Tokyo Regulations:

Although the goal and the existential philosophy of the Tokyo regulations aim at the maximal participation of the society in the criminal justice institutions and offering imprisonment alternatives, there are countless regulations and minimum standards for treating the inmates as well as recommendations for the criminal justice institutions in the trial process in line with the safeguarding of the prisoners' rights therein. For example, the law enforcers have been addressed in maxim 5-1 which is about the determination of the culprits' pre-trial status as stated in the following words: "the police and the other staffs who are responsible for enforcing the laws should be empowered to exonerate the prisoners for supporting the society, crime prevention or enhancement of the lawfulness and observance of the victims' rights in case of observing that there is no need for the enforcement of punishment and suing of the convicts in an expedient manner consistent with the legal system.

7. International Conventions and Resolutions and Congresses:

Besides in the binding documents and indispensable treaties, the idea of the criminals' correction and rehabilitation has also made proportional recommendations to the states and specified obligations for them in some of the international penal conventions and congresses (Najafi Abrand Abadi, 18: 86-87). Merida Convention was approved in 2003 with such a subject as corruption about the criminals and the perpetrators of the economic vice by the general assembly of the UN and the Islamic Republic of Iran's government

joined it in 2006. Meanwhile fighting with the white collars' crimes about the criminals and perpetrators of such crimes that feature a high degree of riskiness and dangerousness in comparison to the ordinary criminals, it has been recommended and required in these regulations that they should be subjected to social rehabilitation and correction. It has been stated in paragraph 10 of article 30 that "the member states should make efforts for advancing the reintegration of the individuals who have been convicted for the crimes predicted in the convention with the society". It is observed that the white collar criminals feature a very high sociability and the proposition of the subject of their correction and socialization implies the importance and necessity of the criminals' correction and instruction.

National Scales of the Penal Environment's Management:

The transformation of an ordinary norm to a superior and excellent one actually leads to the heightening of a legal phenomenon. Based thereon, in order to improve the performance and increase in the effectiveness of the criminological teachings, the criminal policy-makers have not sufficed to the identification thereof in the high-level documents rather, considering the offering of the numerous methods by the criminologists for the enhancement of the penal environment's management, they have taken measures in line with entering its accomplishments into the breadth of the ordinary rules and regulations thereby to provide the means of the criminological findings' normalization and figure out the importance and value of the criminological findings for the ordinary legislator and civil society so that the importance and value of the criminological findings can be perceived and understood by them. Due to the same reason, pervasive corrective approaches, in the constitution, and the corrective approaches, in the developmental approaches, can be identified regarding the correction and instruction of the criminals within the format of Iran's criminal policy functioning.

1. Pervasive Corrective Approaches:

In order to guarantee the right of correction and treatment within the framework of the fundamental regulations in the realm of Islamic Republic of Iran's constitution and by the force of the second part of the fifth paragraph in the Act 156, "... correction of the criminals" is amongst the duties and obligations of the judiciary. Therefore, the correction-oriented approach towards the criminals gains an essential aspect in the realm of Iran's laws in such a way that things can be stated about the "essentialization of the criminals' rehabilitation" (Niazpour, 2015, p.32).

As an example, cases can be mentioned about the rights of the prisoners, detainees and, generally, the followers of the penal system in the constitution and these rights have been manifested in various acts (acts 11, 32-33, 36 and 37-39) about the prohibition of the autonomic apprehension, amnesty and mitigation of the convicts' punishment, prohibition of the autonomic banishment, the right of filing lawsuit, the principle of the legality, principle of acquittal, elimination of torture and prohibition of the defamation of the prisoners and others ((Doustbin, 2013, p.80). in the act three of the constitution, the following cases have been mentioned as the primary duties of the government: providing environment auspicious for the growth of the ethical virtues based on faith and piety and fight with all the manifestations of corruption and depravity as well as the heightening of the public awareness in all the grounds through the correct use of the press and mass media and other tools, founding the correct and fair economy based on the Islamic criteria and so on.

The enjoinder of good and prevention of vice has been underlined and accepted in the act eight of the constitution and, in terms of the nature and realm and extent and methods, it can be considered as an effective mechanism for the society. In acts 20-21, the creation of the auspicious grounds for the growth of the women's personality and the revitalization of their material and spiritual rights, support of the parentless children, creation of a specific insurance ... and support of the parentless women ... have been pointed out.

2. Developmental Corrective Approaches:

In the fifth development plan, attention has been paid to the development of the macro-level policies in judiciary sector and the policies, strategies, goals and development of the judicial affairs have been underlined separately in an expanded manner. In line with this, the things related to the policies for the enforcement of the freedom-depriving punishments in the penal environment that aims at correction and instruction of the criminals and providing material and spiritual supports to their families in the process of the conviction enforcement and the afterward periods can be respectively traced in the five-year development plans.

- A) The law on the first five-year development plan (passed for 1991-1995) asserts "crime prevention and taking care of the prisoners after freedom and support of their families" in its first part regarding the general goals of the judiciary.
- B) The law on third five-year development plan (passed for 2001-2005) asserts in the chapter on judicial affairs in the first paragraph of article 190 that "in order to correct the status of the prisoners and create a proper environment for the rehabilitation and correction and instruction of the inmates, the jails' organization has to cooperate with the people-driven associations and institutions and they should concomitantly take measures in line with more activation of the associations supporting the family of the prisoners and needy deprived persons as well as associations for the entire prisoners of the country in all of the capital cities of the provinces".
- C) The law on the fourth five-year development plan (passed for 2006-2010) asserts in its chapter eleven in the section on the development of judicial affairs, i.e. article 132, that "the organization for the jails and securing and corrective measures is obliged to improve the status of the jails and make efforts for the proper rehabilitation, correction and instruction of the prisoners with the objective of their restoration to a state of healthy social life and reduction of their recidivism via performing the following actions: 1) optimization of the physical spaces with the priority being given to the development of the correction and instruction centers; 2) support of the families of the prisoners and deprived persons through governmental and nongovernmental charitable organizations and institutions and support of the prisoners; and, 3) offering proper suggestions to the judiciary for preparing bills on the required mechanisms for the elimination of the criminal history of the corrected prisoners.
- D) The law on the fifth five-year development plan (passed for 2011-2015) asserts in its eighth chapter on the judiciary, i.e. article 211, that "the jails' organization is obliged to cooperate with the executive organs, public people-driven institutions and so on for resocialization of the convicts by performing the following actions:
 - 1) Adopting such an approach as enhancing the deterrence and considering the corrective aspect of the incarceration, correction of the prisons' environment via interventions like classification of the prisoners and detainees based on the history and type of crime perpetrated
 - 2) Instructing the qualified prisoners through cooperation with the ministry of education
 - 3) Removal of the sustenance problems of the poor prisoners' families through cooperation with Imam Khomeini (PBUH) Relief Committee, wellbeing organization and other corresponding institutions.
- E) The law on the sixth five-year development plan (passed for 2016-2021) states in its program for the judicial and legal sectors in its article 113 as well as in the note to the third paragraph of the article 3 that "the jails' organizations is allowed to win and develop the participation and investment of the governmental and public sectors in the area of the exploitation and/or development of the infrastructures required for occupation instruction, in-prison employment and after-freedom job proposal, education, health and treatment, supportive plans for

the family of the prisoners and assistance to the self-adequacy of the prisons within the format of various kinds of the formal contracts.

in the sixth development plan, the macro-level policy of the codifiers includes completely corrective, clinical, supportive, instructional and cultural approaches for the improvement of the criminals' behavioral status and the obliging of the judicial authorities (judges of the public prosecutor offices and courts) in the trial process from the beginning of the detention till the stage of trying the case and issuing a sentence and enforcement of the punishment based on the rehabilitation thoughts with a welfare-oriented approach for the rehabilitation of the criminals' personalities because obliging to the application of the new penal provisions such as suspension, postponement and imprisonment alternatives and so forth is amongst the scientific-treatment provisions that fall in the area of the contemporary human behavior sciences such as social sciences, psychology and so on and these sciences are usually applied for the correction of the criminal behavior (Haji Deh Abadi, 2007, p.94).

3. Manifestations of the Normal Correction and Instruction in the Penal Environment:

The criminal legislators and policy-makers have entered various kinds of the criminological methods and strategies for authenticating the criminological teachings in addition to the international scales and extra-legislative regulations into the ordinary regulations, including the formative and the substantive ones, as well as the procedures incorporating the ordinary regulations. The amount of the penal legislator's attention to the correction and instruction of the criminals can be determined in the indices and criteria including the non-use of the deterring and humiliating punishments, most of the judges' use of the corrective and treatment strategies, application of the methods of individualization (judicial individuation), use of the alternatives and societal responses, granting of the vast judicial authorities for remitting and correcting the criminals, keeping the criminals along with corrective-instructional teachings in line with their social readmittance in the prisons and paying attention to the generalization of the corrective interventions following the release from the prison (Haji Deh Abadi, 2009).

3.1. Corrective Methods in the Substantive Regulations:

Assuming the acceptance of this thought that the criminals' rehabilitation is amongst the most primary goals of the criminal justice in the light of which the ground is set for the reconstruction of the system of the criminals' personality and organizing of their behavioral system (Gholami, 2008, p.68), Iran's criminal policy-makers authenticated and were impressed in their ordinary regulations and executive procedures by a number of the corrective methods with different and diverse approaches in between the legal articles.

3.1.1. Punishment-Oriented Corrective Method:

Since long ago, one of the goals of the punishments (objective goal) has been the correction and instruction of the criminals and, though the punishment is essentially creation of fear, bothering and humiliation, the efforts have been made for correcting and instructing the criminal via sustaining the punishment so that his or her resocialization can be facilitated (Noorbaha, 2018, p.365). From the Islamic perspective, all kinds of punishments like retaliation and Hadd and Ta'azir punishments can cause the strengthening of the psyche and spirits and purify the criminals and, if the punishments, particularly the Ta'azir punishments, cannot supply the corrective goals, their enforcement should be avoided (Mar'ashi Shushtari, 2002, p.10).

3.1.2. Medicine-Oriented Corrective Method:

The medicine-oriented corrective method is amongst the set of the medical and paramedical strategies for the correction and instruction system that seeks improving the nervous, psychological and personality status of the criminals (Sotudeh, 1999, p.216). In Iran's

laws, the medical rehabilitation of the criminals has been proposed in the first place within the format of the imprisonment and, then, in the light of the society-oriented readmittance within the format of the alternative punishments in the Islamic penal code of law, special regulations and executive procedures. In the Islamic penal code of law, passed in 2013, and according to the role of the psychological interventions for the improvement of the criminals' behavioral system and setting of the grounds for their return to the social life, the paragraph P of the article 43 in the foresaid law pays attention to such corrective methods. In the executive procedures of the jails' organization, passed in 2005, the medical rehabilitation methods have been underlined. In the articles 115-116, "convicts with psychological and risky diseases should be kept and cured in separate according to the notions of the specialists". In articles 40-41 of the aforesaid procedures, "the prisons' psychologists are obliged to cooperate with social workers and the rehabilitation vice chancellorship and inspect the convicts' personality files and, meanwhile investigating their psychological abnormalities, they should report the whereabouts to the classification council and take necessary measures for creating consistency and, if necessary, treatment.

3.1.3. Culture-Oriented Corrective Method:

Cultural rehabilitation and reconstruction of the criminals is one of the corrective methods and it includes the set of strategies and interventions specified in the correction and instruction system for the heightening of the level of the culture and instruction of the criminals as well as their familiarization with the instructional, ethical and educational teachings as well as the social norms confirmed by the society and in match with its customs and finally reparation of the criminals' behavioral system (Niazpour, 2015, p.246). In other words, in the light of the culture-oriented strategies, the correction of the perpetrators of crimes and their return to the social healthy life are intended.

Meanwhile authenticating the culture-oriented corrective methods, the Islamic penal code of law has granted rehabilitative missions to the society's correction institutions. Based thereon and through this corrective-lenient method and identifying the role of the academic environment (school) in the rehabilitation of the criminals as stated in the paragraph J of the article 43 in the Islamic penal code of law, the legislator has predicted the spending of special instruction courses and so forth within the format of the "supervised postponement" as well as taking part in the educational, instructional, ethical sport and religious courses for the criminals.

This same corrective approach has been underlined in the executive procedures of the jails' organization in such a way that the education and upbringing of the criminals in the jail environment has been placed amongst the important criminals' correction and instruction mechanisms as stated in the fourth chapter of the "rehabilitative programs" and paragraph H of article 136 (Niazpour, 2015, p.27).

3.1.4. Profession-Oriented Corrective Method:

The profession-oriented corrective method includes a set of the strategies for the correction and instruction system by which the criminals are made familiar with the occupational and professional skills because the absence of the opportunity for the convicts in line with the acquisition of the professional instructions prevents planning for an easy and successful return of them to the society (Ebrahimi, 2015, p.80). In paragraph A of article 43 in the Islamic penal code of law, the legislator has inserted the occupation-learning amongst the instructions implying the supervised postponement. Put differently, learning occupation or spending of the educational and skill courses has been predicted as a correction-inducing mechanism in the bed of the society. Based on the second part of the first paragraph in the article 88 of the law, the court trying the children crimes can deliver them to their families and demand the enrolment of them in an instructive and cultural institute for learning occupations in line with enhancing their ability of earning a living in future and make use of this corrective method to keep the children aligned with the society's goals.

3.1.5. Religion-Oriented Corrective Method:

The religion-oriented corrective method includes the set of the corrective-ethical strategies and policies explicitly stated in the Islamic texts as well as in the book and Sunnah. Solutions like intercession, feeling therapy, positive idea therapy, Salah therapy and so forth have not been concentrated in the penal lore of Iran but repentance and absolution of the sinners and criminals are amongst the provisions and solutions of the criminals' correction that have been accepted in the Islamic texts and also accepted by the legislator (Haji Deh Abadi, 2007, p.93). Furthermore, the legislator has expanded this corrective maxim in the Ta'azir punishments in such a way that he states in article 115 that "if the perpetrators repent from the degrees 6, 7 and 8 crimes and their remorsefulness and correction is verified by the judge, the punishment is lifted. As for the other Ta'azir-deserving crimes, the court can also consider punishment mitigation for the crime perpetrator.

3.1.6. Society-Oriented Corrective Method:

Nowadays, community has been transformed to one of the primary elements and actors of crime prevention and criminals' correction and instruction. Therefore, the criminals' conviction and punishment is not necessarily the best method for the correction of the individual in such a way that they can start a lawful life in the society (Ebrahimi, 2015, p.119). That is because it is believed that the corrective interventions with clinical approaches in the penal environment with the pivotality of incarceration is not considered as the only sufficient tool for the prevention of recidivism and crime prevention and criminal's correction.

For the first time, modern types and methods have been predicted in the Islamic penal code of law passed in 2013 and, based thereon, the criminals can preserve their freedom and be subjected to the guidance of the teachings via remaining in the society and simultaneously sustaining the legal penalty. These modern methods have been delineated by the criminal justice institutions. Therefore, the ninth chapter of the law on punishment has predicted the gratuitous public services, daily pecuniary punishment and deprivation of the social rights under the title of the "incarceration alternatives" within the format of a surveillance period. Anyway, in articles 63-64 of the Islamic penal code of law, passed in 2013, the legislator has paid attention to the surveillance period; in article 46 on suspension and articles 42 and 43 on supervised postponement, the legislator considers special strategies and requires the crime perpetrator to perform the orders and quit the doing of the prohibited actions as stated in the list of the proper corrective measures in line with his or her personality reconstruction.

In article 84 of the punishment law, the gratuitous public services have been mentioned and, accordingly, the public services are the tasks benefiting the whole society and, by sentencing the criminals to such gratuitous tasks, the court suggests it to the criminals that they should perform tasks in favor of the society instead of going to the prison and seek the compensation of their perpetrated wrongdoings (Khaksar and Gholami, 2018, p.21). In article 85 of the law and within the format of the "daily penalties", another method of the alternative responses has been predicted and, based thereon, the criminals are obliged to pay for their criminal conviction according to the amount of money they earn (Fajri, 2010, p.118). One of the other examples of the correction-oriented methods that has been concentrated by the legislator outside the penal environment is the electronic supervision as pointed out in article 64 of the Islamic penal code of law in a general manner. Deprivation of the social rights means the prohibition of the individuals' free moving to and from certain places or every individual's movement to and from a given limit. Therefore, house custody along with the electronic supervision is considered as a sort of deprivation from some of the social rights (Niazpour, 2008, p.122).

The investigations show that the modern corrective punishments and the other societal responses have been very limitedly considered in the judicial procedures and, as a result of such reactions, the judicial criminal policy is not only neutralizing as a progress made in the

legislative criminal policy but it also can supplement the shortcomings thereof. Anyhow, the minimal use of the rehabilitative strategies in the sentences issued by the courts has minimized the effect of the corrective methods on the criminals and the society and they set the ground for the reduction in the people and informal institutions' participation in the crime prevention and criminals' correction.

3.2. Corrective Methods in Formative Regulations:

It is believed that the criminal trial procedures' provisions and institutions seek the social reintegration of the criminals besides their mission and in addition to the organizing of the penal lore and establishing balance between the public interest and expediency and criminals' expediencies via observing the trial formalities (Akbari, 2015, p.155) so they should be navigated in such a way that the social future of the criminals is not disrupted. Thus, the corrective methods' approaches should be analyzed and investigated in the various stages of trial in respect to the regulations of the criminal trial procedures.

3.2.1. Corrective Approach in the Preliminary Investigation Stage:

The collection of the criminal justice interventions, especially in the area of the criminal trial procedures, gains double importance in the stage of the preliminary investigations in such a way that the perpetration of the behaviors against the human veneration by the criminal justice actors such as the justice department's law enforces and violation of the penal dos and don'ts for the access to the fair-just trial are quite imaginable (Niazpour, 2013, p.135).

The right of respectful treatment is one of the basics of the correction and instruction. This right is the birthplace of the human veneration with the concept of veneration including a state in which the human creatures are considered valuable, noble and respected and this is reflective of the inherent human values. Due to the same reason, the human veneration entails the resort to the penal responses not to deprive the criminals of their veneration and honor in both substantive (punishment) and formative terms (Gholami, 2017, p.184). In articles 6 and 7 of the trial procedures' law, emphasis has been placed on the creation of mechanisms for the observance and guarantee of the defense rights and its observance in all the stages of the criminal trial, particularly "observance of the veneration of the legitimate freedoms and preservation of the citizenship rights". In articles 50-52 of the aforesaid law, the law enforces have been required to respectfully treat the culprits and convicts in such a way that the families of them should be informed of the apprehension under any circumstances and the rights inserted in this law such as "the defense rights, including the right of having a lawyer and the right of making contact with the family and so on are completely informed to them in written forms and the apprehended person should be examined, if necessary, by a physician and his or her medical file should be attached to his or her criminal file. One of the other cases of the corrective approach in the preliminary investigation stages is the formation of the personality file. The personality file's formation in the early investigation stages is important in that it helps the judge issue the best writ (quia timet writ-judicial supervision writ) which is deemed in match with the culprit's defense rights and the principle of his or her human veneration (Goldoust, Jouybari and Mirkamali, 2016, p.97). In other words, it is considered as a prelude to a fair criminal trial. The necessity for personality file lies in the thorough identification of the culprit from various perspectives. Therefore, the dimensions and various stages should be taken in clinical criminology as inspired by the medical principles (examination, observation, diagnosis and prescription of solution) and the specialists should prepare and arrange complete reports so as the discover the contingent dangerous states and/or chronic and permanent dangerous moods of the crime perpetrator (Baba'ei, 2019, p.39). In the past and from the perspective of article 7 of the law on the formation of courts for juvenile delinquents passed in 1959, the formation of the children's personality file had been accepted and, after the Islamic revolution, as well, it was authenticated in various procedures of the jails' organization in line with the creation of

a part in the prisons for the recognition of the prisoner's personality and its classification. Moreover, in article 222 of the law on the trial procedures of the general and revolution courts, passed in 1999, as well, the personality file's formation was ruled voluntary and this issue was implicitly accepted.

In article 250 of the law on the criminal trial procedure, the legislator has emphasized on the proportion between the *quia timet* and the history, psychological and physical status, age, gender, personality and prestige of the culprits. Based thereon and when the investigation authorities want to issue writs, two objective and subjective scales should be always taken into consideration. In fact, considering these two scales, it is expected that the judge can form a personality file, though implicitly and in an oral manner, for the issuance of the safeguarding writ so as to be able to issue the most appropriate writ for the culprits (Akbari and Yazdani, 2013, p.166).

Based on article 247, the prosecutor can issue judicial supervision writ that includes one or several of the following orders in proportion to the perpetrated crime for a given period of time: "periodical introducing to the institutions and centers determined by the prosecutor, prohibition of the employment and forbiddance of ...". It has been stipulated in the note one that "in Ta'azir crimes of the 7th-8th degrees and incase of offering the required guarantee for the compensation of the imposed losses, the judge can suffice to the issuance of the judicial supervision writ and there would be no more any need for the *quia timet* writ.

Indictment suspension is one of the ways of actualizing corrective teachings, especially reparatory justice, as well as amongst the solutions prepared in the modern penal laws for the achievement of an effective criminal policy (Ashouri, 2009, p.85). This modern provision has been authenticated in the law on the trial procedures passed in 2013, i.e. in the article 81 thereof, and it is somehow the moderation of the necessity of indictment (Javanmard, 2015, p.81). Corresponding to this article, "in degree 6, 7 and 8 Ta'zir deserving crimes the punishments of which can be suspended, the prosecutor can acquire the convict's agreement and suspend his or her indictment from six months to two years in case of the absence of the plaintiff, or his or her forgiveness and/or his or her compensation of the losses.

3.2.2. Corrective Approach in the Stage of Trial and Sentence Issuance:

In the trial process and in the light of the personality file's formation, as stated in articles 203 and 286 of the criminal trial procedures, in line with the "judicial individuation" and judge's shift from the legal punishments towards the judicial punishments, the sentence issuance and investigation stages can be amongst the important and determinant stages determining the future of the criminal in the process of the criminal trial for the corrective decisions and strategies in this stages determine the destiny of the criminals and the honorable correction and return of them to the society. Although, as the author thinks, the judges' rehabilitative perspective is very influential in the trial stage for the selection of the corrective interventions and since many of the rehabilitative programs are amongst the fundamental human rights and considered as rights following the crime perpetration (post-criminality rights), the legal individualization, to wit the legal obligation and requirement, should be applied for the issuance of the sentences based on the recommended corrective and treatment measures instead of delegatory judicial individuation wherein the judges can discretionally issue discounted and corrective sentences.

3.2.3. Corrective Approach in the Sentence Enforcement Stage:

Considering the frequency of the use of incarceration in the criminal justice systems, the discussion would pertain to the imprisonment and it is somehow related whenever things are spoken about the corrective approaches and rehabilitation in the penal environments. Of course, this does not mean that the correction and instruction are important topics and feature pervasive decisiveness in the criminal policy and that they are achievable through incarceration and, if the objectives proposed in the criminal policy can be accomplished through other

ways than the enforcement of incarceration by adopting a corrective approach, the resort to its enforcement is logically not intended by the society (Kounani, 2018, p.205). Based thereon and considering the prevalence and increase in the rate of sentencing to incarceration, the rehabilitative strategies are more pivoting about the incarceration.

In articles 513 to 528 of the law on the criminal trial procedures, regulations have been predicted about the quality of incarceration enforcement, dividing of the jails into closed and semi-open, occupation-teaching and employment centers as well as corrective and safeguarding intervention centers, including the correction and instruction centers for the children and adolescents and also method of maximal participation of the convicts in the corrective and instructional programs for the acquisition of periodical dismissal privileges and/or granting of amnesty and/or treatment of disease; in the fifth chapter of this same law from article 551 to article 558 under the title of "enforcing the punishment suspension writs, conditional freedom, sentence issuance postponement writ, half-freedom system and electronically supervised freedom have been predicted. It is observed in this way that the legislator has been influenced by the corrective approaches in the realm of the criminal trial procedures' law in his authentication of the rehabilitative methods and mechanisms in the stage of the sentence enforcement for the correction and treatment of the convicts and personality reconstruction.

The decision-makers of Iran's criminal policy specifically realize the jails' organization as being responsible for and executor of the rehabilitative and readaptation strategies in the stage of sentence enforcement in the prison environment. Therefore, in order for the corrective methods and strategies to be effective, the functionaries of the safeguarding and corrective measures have no other way than enforcing and exerting the correction-oriented policy for the rehabilitation of the criminals and their return to the society in the realm of such centers. Based thereon and considering the fact that the intention by the favorable enforcement and effectiveness of the corrective strategies in respect to the incarceration-sentenced convicts in the discourse of the corrective-treatment policy has been drawn on the model of the medical pattern, the four stages of observation and examination, diagnosis and prediction, prescription of program and enforcement of the program and, finally, control and supervision are suggested and implemented for the investigation of the convicts' status and prescription of the medical and treatment versions and programs for them.

The legislative approach of Iran's regulations towards the recidivism in the past has been the perfect expelling and elimination of the criminals and intensification of the punishments. However, presently and with the emergence and expansion of the criminological studies and attitudes towards the criminology of the correction and treatment and also emphasis on the rehabilitation of the criminals and resocialization of them, the approach of the substantive and formative regulations have been guided towards the construction of the correction and instruction centers and offering of scientific and professional instructions as well as the use of the notions of the physicians and psychologists (Baba'ei, 2019, p.145). A distinct example of such a shift is the law on the corrective and instructional interventions that was passed in 1960 but it was obliterated with the establishment of the Islamic penal code of law.

Corresponding to article 8 of the guidelines for the formation of personality file, passed in 2019, the head of judicature emphasized on the necessity of the convicts' examination and interview in the prisons. Therefore, with the formation of the personality file and acquisition of the medical and psychiatric examinations during the first two months following the entry into the prison, the convicts enter the next stage which is constituted of the diagnosis and prediction.

In the regulations of the jails' executive procedures and based on the articles 65-66, the "classification council" is responsible for diagnosis and classification. This council makes decisions based on the notions of the specialists for separating and classifying the prisoners and determining and changing the type of prison and transferring of the prisoners (Gudarzi Borujerdi, 2007, p.145). Therefore, this council

which is comprised of clinical, disciplinary and judicial specialists and functionaries and headed by the prison's supervising judge investigates the prisoner's personality file and exchanges ideas with the members of the council regarding the dispatching of the convict to one of the centers for corrective and instructional interventions in proportion to his or her age, gender, crime type, physical and psychological status and personality as well as talent and expertise (Doustbin, 2013, p.100).

Furthermore, in article 122 and about the development of the rehabilitative programs and reduction of the jailing system's harms and shortfalls and contribution to the elimination of the material and spiritual problems of the convicts and their families ... emphasis has been placed on the convicts' learning of occupations and employment. In line with this, the organization is obliged to contribute to the governmental and cooperative institutions as well as private sector to set the ground for the employment of the convicts. In addition, the fourth chapter, articles 36-166, is related to the rehabilitative programs for learning to read and write, enhancement of the knowledge level, corroboration of the will and fostering of the thoughts and hidden talents in all of the occupation-teaching and employment centers as well as prisons. Based on these corrective-treatment programs, the convicts engage in learning literacy and continuing education and acquiring occupational and professional skills during their stays in the prison according to the period of their conviction and quality and type of the programs predicted for scientific, religious, technical and professional instructions.

CONCLUSION

From clinical perspectives, the criminals are the product of the interactions between a series of personal and environmental factors as well as affectionate, educational, cultural and ethical shortcomings in the community level and their criminality is not inherent so they should not be viewed as lost persons. Before becoming a criminal, they have had ordinary and normal social life and, after taking the criminal process and sustaining punishment, they can return to their ordinary and normal life. Therefore, the correction and instruction system demands the reconstruction, instruction, rehabilitation and resocialization of the criminals through the acceptance of the individuals' social life and consideration of their being of generative forces of the society. The present study aims at the investigation of the effect of the correction and instruction manifestations in the penal environment.

Criminology of correction and instruction has not been always faced with single considerations and perceptions for the fact that the criminal justice systems have had different interpretations of the nature of correction in every period and in proportion to the temporal conditions. From the perspective of some of the authors, part of the semantic ambiguity in the nature of the correction and instruction includes problems that exist in the system of criminal justice as if the criminal justice system is per se in need of rehabilitation but the important principle in this mindset is the empowerment of the criminal and the primary objective of such correction is that, if the criminals undergo fundamental changes unlike what they have been doing in the past, they will start observing the law and exhibiting socially normal behaviors like the other ordinary citizens. Therefore, the two important principles in this mindset includes correction of personality and treatments. The correction and instruction policy is amongst the corrective criminal responses to the criminal phenomenon and it has been taken into account by the criminal justice systems in the past eras and the various criminological mindsets and schools. The idea of the rehabilitation views the criminals as patients and seeks discovering and offering the most effective and most important corrective strategies and methods for them in the penal environment and their development in the community's ground.

The results of this study signify that Iran's criminal policy decision-makers have been generally inspired by the clinical criminological teachings and they have made efforts to pay attention to the

rehabilitative programs (corrective-treatment and social) in response to some crime types (less important crimes) in the penal environment and non-penal environment (society's ground). Therefore, the codifiers of the constitution, in the paragraph five of the act 156 and also in the high-level documents (economic, social and ... development programs) and, following their lead, the legislator, in the legislative regulations and procedures, charters and circulars and guidelines, have authenticated the criminals' rehabilitation only as the corrective goal of the penal laws and not as the criminals' right of correction and the duty of the judicial and enforcement system.

It seems that the realm of the criminological findings of the correction and instruction is spread to all the stages of the trial with the explanation being that the collection of the executive and judicial systems' interventions and measures is effective from the beginning to the end of the conviction and, after that, in the success of the criminals' rehabilitation programs. Based thereon, Iran's penal regulations use the medical-clinical principles as a model to create the corrective measures and social supports in the penal environment with the pivotality of the incarceration and its alternatives and various kinds of the corrective methods in the substantive regulations, on the one hand, and, in line with the improvement of the performance and elevating the effectiveness of the penal justice provisions for the effective curbing of the criminal phenomenon, they have accommodated a number of the corrective methods in the formative regulations in such a way that the corrective approaches can be observed in all the stages of the penal trial (preliminary investigation, sentence issuance, sentence enforcement, supervision and care).

Considering the modern criminological teachings (prevention and correction and treatment, right of criminals' correction, reparatory justice, societal justice and so forth), the present study's results indicated that, in the legislative regulations, especially the Islamic penal code of law passed in 2013, besides the traditional alternative punishments like suspension of punishment enforcement, conditional freedom and pecuniary punishments, modern methods of corrective strategies known as the incarceration alternatives like care period, gratuitous public services, daily pecuniary punishment, deprivation of social rights, postponement of the sentence issuance, half-freedom system and electronic supervision (fifth to ninth chapters of the Islamic penal code of law) have been stipulated and it seems that this change in the legislator's approach in the novel regulations have brought about sparkles of hope for the correction, treatment and resocialization of the convicts in the penal environment.

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