

Differentiated Criminal Policy Modeling toward Juvenile Delinquency: From the Preliminary Stage to the Execution of Sentences

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Abstract

The phenomenon of juvenile delinquency at the stage of criminal sentence execution represents one of the most complex areas of criminal justice, where neglect can lead to crime reproduction and failure in the rehabilitation process. In this regard, the necessity of adopting a differentiated criminal policy toward juveniles is of particular importance; a policy that is based on the preservation of human dignity, respect for fundamental rights, and prevention of recidivism. The purpose of this study is to examine the foundations and requirements of differentiated policy at the stage of sentence execution and to analyze the legal and institutional capacities of Iran in this context, with emphasis on principles such as minimalism in imprisonment, prohibition of corporal punishment, expansion of mediation, and alternatives to incarceration. The findings of the present study, which has been conducted through a descriptive-analytical method, indicate that although Iran's legislative system has taken steps toward accepting differentiated justice, the dispersion of regulations, institutional unawareness, and the absence of specialized juvenile courts hinder its full realization. Accordingly, revising and consolidating executive policies, utilizing the capacities of restorative justice, and conducting comparative analyses with successful systems can provide the foundation for improving Iran's criminal policy toward juvenile offenders.

Keywords: juvenile delinquency, differentiated criminal policy, execution of criminal sentences, alternative punishments, restorative justice

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1. Introduction

Juvenile delinquency is one of the most complex challenges of contemporary societies, which, both from social and legal perspectives, has extensive consequences for public order and individual security. Adolescents, due to their particular psychological, physical, and social developmental conditions, are exposed to risks that render them more vulnerable to delinquency. For this reason, applying identical criminal reactions as with adults is not only incompatible with the specific

characteristics of this age group, but it may also intensify delinquent trends and reproduce the cycle of deviance (Najafi Abrand Abadi, 1998; Shambiani, 1993). In such circumstances, the stage of criminal sentence execution acquires exceptional importance, since the decisions and mechanisms of this stage can determine the future of the juvenile offender. If sentence execution is carried out in a harsh and disproportionate manner, the likelihood of recidivism and social isolation increases. Conversely, employing differentiated policies can pave the way for rehabilitation and reintegration (Mahra, 2011; Mazemi, 2009).

Adopting a differentiated criminal policy at the stage of sentence execution is not a matter of preference, but a strategic necessity in contemporary criminal law. This approach seeks to employ measures that, considering the age, psychological, and social status of adolescents, ensure the least criminal harm and the greatest opportunity for rehabilitation. Accordingly, institutions such as suspension and postponement of sentencing, criminal mediation, alternative punishments to imprisonment, and judicial supervision specific to juveniles acquire special importance (Jameidi, 2011; Shamloo, 2011). The close connection of these policies with the objective of crime prevention is undeniable, since juveniles, unlike adults, are at a developmental stage where the potential for reform is considerably higher, and a scientific and humane criminal policy can prevent the consolidation of a delinquent personality (Hawkins, 1992; Mahdavi, 2018).

What distinguishes this article from existing literature is its specific focus on the “stage of sentence execution,” a point that has received less attention in domestic research. Most previous studies have concentrated on juvenile delinquency or differentiated adjudication during the trial phase (Abbasi Khalijani, 2019; Asgari, 2021). By contrast, this research, through an analytical examination of the mechanisms of criminal sentence execution, seeks to illuminate new dimensions of differentiated criminal policy and to demonstrate how, through such policies, both the protection of fundamental rights of juveniles and effective prevention of future delinquency can be achieved (Karp & Fondacaro, 2018; Shaffer, 2018).

2. Theoretical Foundations of Criminal Policy

Criminal policy, as a set of legislative, judicial, executive, and social measures to confront crime, is effective only when it considers the specific conditions and features of different social groups. Among these groups, juveniles, because of their unique psychological, educational, and social status, require a policy distinct from that of adults—a policy not founded solely on punitive suppression but grounded in correction, rehabilitation, and reintegration. From this perspective, the notion of “differentiation” in criminal policy emerged with the aim of tailoring criminal reactions to the individual and social circumstances of juvenile offenders, and in legal and criminological literature it has been discussed under the title of “differentiated criminal policy” (Basiri, 2008; Jameidi, 2011).

Examining the theoretical foundations of this policy, particularly with respect to juveniles, requires clarification of four essential axes: first, explaining the concept and nature of differentiated criminal policy and why its recognition in the criminal justice system is necessary; second, clarifying the special position of juveniles in Iran’s criminal law and reliance on the criteria of their criminal responsibility; third, the legitimacy of differentiated policy in light of Islamic sources and international instruments concerning children’s rights; and finally, analyzing the criminological functions of this policy in preventing recidivism and ensuring social rehabilitation.

2.1. The Concept and Nature of Differentiated Criminal Policy

Criminal policy, as society’s general strategy for combating crime, has always sought to balance the preservation of public order, protection of victims, and rehabilitation of offenders. Nevertheless, an effective criminal policy cannot disregard individual, age-related, psychological, and social differences among offenders, since each social group has its own requirements and needs, and uniform treatment not only violates criminal justice but may also increase delinquency. In this regard, the notion of “differentiation,” meaning the application of special rules and measures for particular groups of offenders such as juveniles, has been developed (Mozafari Nia et al., 2024).

The term “differentiated criminal policy” may be understood as a reaction to traditional criminal justice policies, which, by relying on general and uniform standards, tended to view all defendants and convicts alike, disregarding age or social

distinctions (Najafi Abrand Abadi, 1998). In contrast, differentiated policy accepts the reality that adolescents, in terms of rational, emotional, and social development, are in a transitional stage and thus seeks to design criminal and non-criminal measures tailored to their circumstances. On this basis, this policy emphasizes correction and rehabilitation of juveniles instead of punitive suppression and aims to replace harsh punishments with supportive, educational, and social measures (Basiri, 2008; Shambiani, 1993).

In terms of substance, differentiated criminal policy toward juveniles rests on several fundamental principles. The first is the principle of proportionality, which requires that society's response to juvenile delinquent behavior correspond to the individual and environmental conditions of the youth (Kimiya, 1991). The second is the principle of individualization of punishment, which stresses the need to recognize the personality and psychological differences among adolescents and to adapt punishments or corrective measures accordingly (Mahra, 2011). The third is the principle of penal minimalism, which calls for reducing the use of custodial sentences and replacing them with non-custodial measures such as community service or criminal mediation (Abai, 2001). Furthermore, in differentiated criminal policy, supportive and rehabilitative dimensions are prioritized over punitive aspects. The juvenile is viewed not as a dangerous criminal but as an individual in the process of growth and development who requires the support of family, society, and the judicial system to return to the correct path of life (Jameidi, 2011; Orang, 1987). For this reason, many advanced legal systems have established specialized juvenile courts, mediation institutions, and rehabilitation centers as tangible manifestations of this policy (Roush, 2006).

2.2. *The Status of Juveniles in Iran's Criminal Legal System*

Due to their special developmental and psychological conditions, juveniles have always been distinguished from adults in legal systems. In Iranian criminal law, this distinction is directly reflected in the rules regarding "age of criminal responsibility," "procedures for dealing with juvenile offenses," and "types of judicial reactions." This special status is rooted, on the one hand, in Islamic and jurisprudential teachings, and, on the other hand, influenced by human rights obligations and modern criminological developments (Abai, 2001; Mahra, 2011).

In Imami jurisprudence, criminal responsibility is based on religious maturity, and therefore children prior to reaching the threshold of religious maturity are considered devoid of criminal responsibility (Makarem Shirazi, 2006). This foundation is reflected in Iranian criminal law as well. Article 147 of the 2013 Islamic Penal Code specifies religious maturity at 15 lunar years for boys and 9 lunar years for girls. Nevertheless, through recent reforms, the legislator has attempted to consider the concept of "intellectual maturity and discernment" in evaluating criminal responsibility, thereby seeking to remain faithful to jurisprudential foundations while also addressing criminological necessities and child rights protections (Niazpour, 2014; Zar'at, 2005).

From the perspective of criminal procedure, the position of juveniles also demonstrates differentiation. The 2013 Code of Criminal Procedure, through the establishment of "Juvenile Courts," grants special jurisdiction for hearing cases involving this group and, in Article 409, requires the presence of advisors in court sessions. This indicates the legislator's attention to the non-punitive nature of juvenile adjudication and the necessity of integrating supportive and psychological measures with judicial proceedings (Asgari, 2021; Saeedmand, 2016).

In terms of criminal reactions, juveniles are also distinguished. Articles 88 and 89 of the 2013 Islamic Penal Code, regarding ta'zir offenses committed by children and adolescents, provide instead of custodial sentences a set of educational and corrective measures such as placing the juvenile in the custody of parents, mandating schooling, prohibiting association with offenders, and detention in correction and rehabilitation centers. This approach demonstrates a preference for "rehabilitative measures" over "punitive sanctions" (Gholami, 2017; Shamloo, 2011).

The differentiated status of juveniles in Iranian criminal law, in addition to statutory texts, is also influenced by international instruments. By acceding to the Convention on the Rights of the Child in 1993, the Islamic Republic of Iran undertook to observe the principles enshrined therein. Article 40 of the Convention emphasizes the necessity of a treatment that is proportionate to the age, personal conditions, and rehabilitative objectives of juvenile offenders. Although certain international standards do not fully align with Iran's jurisprudential and cultural considerations, recent legislative trends demonstrate that

the legislator seeks a type of “integration” between Islamic foundations and global obligations (Abbasi Khalijani, 2019; Kar, 2018).

2.3. *Jurisprudential and Legal Legitimacy of Differentiated Policy*

The legitimacy of any criminal policy, particularly in the sensitive field of children and adolescents, depends on its intellectual, religious, ethical, and legal foundations. In the Iranian legal system, this legitimacy is derived from two main sources: first, Islamic and jurisprudential sources, which constitute the legislative and value basis of the legal system; and second, international instruments, which, based on human rights principles, oblige states to observe protective standards toward children and adolescents.

Islamic jurisprudence has long paid special attention to the particular condition of children and adolescents and has considered them distinct from adults in terms of criminal responsibility. In many narrations, legal responsibility is conditioned upon maturity, and prior to that, the minor is excluded from criminal liability. The well-known narration “*Rufi’a al-qalam ‘an al-ṣabī ḥattā yaḥṭalam*” clearly states that the pen of responsibility is lifted from the child (Kulaini, 2000; Tusi, 1986). Jurisprudential sources also emphasize the element of “discernment” and “understanding” as essential indicators in assessing responsibility. This means that even after maturity, if discernment or sufficient intellectual capacity is lacking, full criminal liability is not imposed on the adolescent (Majlisi, 1984; Makarem Shirazi, 2006). These teachings have practically formed the basis of differentiated policy in Islamic criminal jurisprudence, since the ultimate goal of Sharia is the reform and guidance of the offender, not vengeance and suppression. Furthermore, Islamic jurisprudence highlights the principles of “gradualism in punishment” and “the best interests of the child” as standards for differentiation. Jurists, by emphasizing the higher interests of the child, have prioritized discipline and correction over severe punishments (Momen Qomi, 2004; Montazeri, 2008). This perspective clearly confirms the legitimacy of differentiated criminal policy within religious texts.

At the international level as well, the legitimacy of differentiated criminal policy toward children and adolescents has been established on the basis of binding and non-binding human rights instruments. The 1989 Convention on the Rights of the Child, as the most important instrument, in Articles 37 and 40 emphasizes humane treatment, proportionality of reactions to the age and conditions of the child, and the priority of rehabilitative measures. With the accession of the Islamic Republic of Iran in 1993, this convention also acquired a special status in the domestic legal system (Abai, 2006; Rezvani, 2022). In addition to the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985) and the Riyadh Guidelines, 1990 provide clear frameworks for adopting differentiated policies toward juveniles. These rules, while emphasizing the principle of rehabilitation, call upon states to avoid harsh punishments against juveniles and to substitute social, educational, and supportive measures (Hosni, 2018; Roush, 2006).

An important point is that there are significant commonalities between Islamic foundations and international instruments. Both emphasize the necessity of differentiated criminal policy toward juveniles, the principle of proportionality of reactions, and the priority of reform over suppression. Admittedly, in some cases such as the age of criminal responsibility, conflicts exist between Islamic foundations and international standards, but in recent years, the Iranian legislator has attempted, through expansive interpretation and consideration of “intellectual maturity,” to provide greater grounds for compatibility (Gholami, 2017; Kar, 2018).

2.4. *Criminological Functions of Differentiated Policy toward Juveniles*

Differentiated criminal policy toward juveniles is not merely a theoretical arrangement or procedural formality within criminal justice; rather, it has fundamental functions in reducing adolescents’ tendency toward delinquency and in rehabilitating them. These functions can be examined at the individual, social, and institutional levels.

a) Corrective and Educational Function: One of the most important functions of differentiated policy is providing opportunities for the correction and education of adolescents. In this approach, punishment is not regarded as a tool of vengeance but as a means of correcting the offender’s personality. Criminological research shows that adolescents, because of their special psychological and social situation, have high potential for rehabilitation, and supportive, educational, and

psychotherapeutic interventions are much more effective than long-term custodial punishments (Hosseini & Nikchehr, 1993; Shaffer, 2018; Shambiani, 1993). Accordingly, institutions such as postponement of sentencing, suspension of punishment, and referral to community service or educational programs represent clear examples of the educational function of differentiated policy (Asgari, 2021; Khajeh Noori, 2007).

b) Rehabilitative and Reintegration Function: Differentiated criminal policy also enables juveniles, after committing offenses, to reintegrate into society. With its emphasis on the principle of rehabilitation, this approach eliminates the criminal label and prevents the social isolation of adolescents (Gholami, 2017; Najafi Abrand Abadi, 1998). Western criminological studies also indicate that the establishment of “specialized juvenile courts” and “reintegration programs” plays a significant role in reducing recidivism rates (Hawkins, 1992; Roush, 2006).

c) Supportive and Victim-Centered Function: Another function of this policy is its attention to the rights of victims. In the process of differentiated adjudication, in addition to rehabilitating the offender, efforts are made to ensure that victims, through mechanisms such as criminal mediation and restorative justice, receive satisfaction and compensation (Razaghi, 1992; Razaghi Mousavi, 2021). This not only reduces the spirit of revenge in society but also increases public trust in criminal justice.

d) Macro-Level Preventive Function: Finally, differentiated criminal policy has a preventive function at the macro-social level. Differentiated measures toward juveniles, on the one hand, reduce prison overcrowding and the heavy costs of incarceration, and on the other, by minimizing social stigmatization and facilitating the healthy reintegration of adolescents into society, interrupt the cycle of crime reproduction (Hemmat, 2018; Jensen, 2019; Mahdavi, 2018).

3. Modeling Differentiated Criminal Policy before Sentence Execution

After explaining the theoretical foundations of differentiated criminal policy and examining its functions with respect to juveniles, attention must now be turned to the practical field and the way in which this policy is realized at different stages of criminal proceedings. The pre-execution stage is one of the most sensitive phases of the criminal process and plays a decisive role in shaping the future of the offender, since judicial decisions at this point not only directly affect the fate of the adolescent but can also influence the reduction or intensification of the tendency toward recidivism.

At this stage, differentiated criminal policy seeks, by relying on principles such as proportionality of criminal measures, penal minimalism in detention, avoidance of corporal punishment, and substitution of corrective and supportive measures, to provide a framework for preventing future delinquency. In other words, modeling differentiated policy at the pre-execution stage rests primarily upon “developmental prevention” and “social rehabilitation” and strives to facilitate the reintegration of the adolescent rather than reinforcing a punitive approach.

3.1. Principles and Differentiated Preventive (Security) Measures

In modern criminal policy, the pre-execution stage of sentencing holds a special position, because decisions taken at this stage can have long-term effects on the status of the offender—especially adolescents. Issuing criminal preventive orders (securing measures), choosing the type of interim sanctions, and the judicial treatment of juvenile defendants—if not calibrated according to differentiated principles—can easily pave the way for recidivism and intensify social distrust (Asgharlu, 2022). Accordingly, adopting securing measures proportionate to the individual and social conditions of juveniles is one of the fundamental pillars of differentiated criminal policy. The first principle in this domain is the proportionality of the securing order to the juvenile’s personal and social situation. Unlike adult defendants—who often enjoy greater personality, economic, and social stability—adolescents are in a developmental stage that makes them more susceptible to environmental pressures. For this reason, stringent securing orders such as pretrial detention are not only ineffective for behavior correction, but in many cases create opportunities for contact with professional offenders and the reproduction of crime (Hosni, 2018). By contrast, resorting to lighter orders—such as bail by guarantor, modest monetary bond, or mandatory participation in educational and counseling programs—is far more consistent with the spirit of differentiated policy (Saeedmand, 2016).

The second principle is penal minimalism in securing measures. Differentiated criminal policy seeks to treat deprivation-of-liberty measures as a last resort and, where possible, to utilize social and supportive alternatives. In this regard, Article 285 of the 2013 Code of Criminal Procedure—by providing for mediation mechanisms and deferral of prosecution—has taken a step toward realizing this principle (Abbasi Khalijani, 2019). This approach, while reducing the social costs arising from the detention of juveniles, creates opportunities for their rehabilitation within the family and community context. The third principle is the protection of the human dignity of adolescents throughout the process of criminal securing. International instruments such as the Beijing Rules (1985) and the Convention on the Rights of the Child (1989) emphasize preserving the dignity and status of children and adolescents at all stages of criminal proceedings. On this basis, various legal systems strive to avoid degrading practices and unnecessary detentions in order to create a supportive and humane environment for juvenile defendants (Abai, 2006; Jensen, 2019). This principle has also been relatively reflected in Iranian law through emphases on the separation and classification of juvenile detainees in the executive bylaws of the Prisons Organization (Niazpour, 2016). Alongside these foundational principles, institutions such as criminal mediation, conciliation, and parole can function as differentiated measures prior to sentence execution. By enabling the participation of the family, the victim, and civil institutions, these mechanisms reduce tensions between parties and repair social relations, and by mitigating juveniles' negative experiences during proceedings, increase the likelihood of their return to a law-abiding path (Karp & Fondacaro, 2018; Razaghi Mousavi, 2021).

3.2. *The Principle of Minimalism in Detention and Imprisonment*

One of the most fundamental principles of differentiated criminal policy toward children and adolescents is the principle of minimalism in detention and imprisonment. This principle is founded on the premise that custodial punishments must be used only as a last resort and solely in exceptional circumstances, because depriving adolescents of liberty not only fails to achieve the desired deterrent effect, but may also intensify their tendency toward delinquency (Hemmat, 2018). From a criminological perspective, long-term detention of juveniles often functions as a “school of crime,” exposing them to learning deviant patterns from professional offenders (Hirschi, 1969).

At the international level, human rights instruments—especially Article 37 of the 1989 Convention on the Rights of the Child and the 1985 Beijing Rules—stress that the imprisonment of children and adolescents must be used as a measure of last resort and for the shortest appropriate period. These frameworks underscore prioritizing non-custodial alternatives such as deferral of prosecution, suspension of judgment, community service, and mediation (Morris & Maxwell, 2017). In Iran's legal system as well, the 2013 Code of Criminal Procedure and the 2013 Islamic Penal Code have taken important steps toward realizing this principle. Article 285 of the Code of Criminal Procedure explicitly states that, in juvenile cases, the judicial authority should, as far as possible, refrain from issuing pretrial detention orders, and where necessary, the duration of detention must be reduced to the minimum (Saeedmand, 2016). Moreover, the Islamic Penal Code, within its provisions on ta'zir punishments, contemplates institutions such as deferral of sentencing (Article 40) and suspension of sentence execution (Article 46), which—particularly for juveniles—can operate as alternatives to imprisonment (Zeynali, 2018).

From a criminological standpoint, implementing minimalism rests on two basic approaches: first, reducing the social harms arising from incarcerating adolescents, since detention frequently leads to educational disruption, family breakdown, and social stigmatization (Boostani, 2023); and second, strengthening opportunities for rehabilitation and reintegration, because by employing alternatives to incarceration, juveniles can be reformed within society with the participation of the family, school, and supportive institutions (Hawkins, 1992). The principle of minimalism is also directly linked to the right of adolescents to growth and personality development. Developmental psychology posits that adolescence is a period in which identity formation is underway, and any negative experience—such as prolonged imprisonment—can distort the socialization process (Hosseini & Nikchehr, 1993; Shaffer, 2018). Therefore, differentiated criminal justice is obliged to safeguard public order while simultaneously ensuring the healthy development of the adolescent.

Nonetheless, there are challenges to implementing this principle in Iran, including shortages of the infrastructure required to apply alternatives to imprisonment, the absence of a broad social-work network in criminal proceedings, and the persistence

of traditional views among some judicial officials who still regard detention as the primary tool of crime control (Niazpour, 2021). Overcoming these challenges requires institutional reforms, judicial training, and the expansion of supportive and social policies (Mozafari Nia et al., 2022).

4. Modeling Differentiated Criminal Policy at the Stage of Sentence Execution

With the conclusion of adjudication and the issuance of judgment, differentiated criminal policy toward juvenile offenders enters a new and equally sensitive phase: the stage of sentence execution. At this stage, the manner of enforcing the judgment can have long-term positive or negative effects on rehabilitation, reintegration, and the prevention of recidivism.

If, in earlier stages of criminal justice, the effort was to shield juveniles from stigmatization and the harsh cycle of the criminal process by applying principles such as penal minimalism, prohibition of corporal punishments, and reinforcement of mediation mechanisms, then in the execution phase, adopting differentiated approaches becomes even more crucial. Enforcing punishment for juveniles should not be understood merely as the imposition of sanctions but must be carried out with the objectives of correction and education, rebuilding social bonds, and preserving human dignity.

For this reason, differentiated criminal policy at the execution stage employs mechanisms such as deferral and suspension of sentencing, institutionalization of semi-custodial punishments and alternatives to imprisonment, pardons and remission of sentences, and ultimately active supervision by prosecutors and judicial authorities over juvenile sentence execution, so as to ensure that enforcement itself remains aligned with the rehabilitative goals of the juvenile justice system.

4.1. *Suspension and Deferral of Sentencing*

One of the most significant manifestations of differentiated criminal policy at the stage of juvenile sentence execution is the use of institutions such as suspension and deferral of sentencing. These institutions reflect the approach of modern criminal justice toward juveniles: an approach that does not confine itself to deterrence, but places rehabilitation and reform at its core (Mozafari Nia et al., 2024).

Deferral of sentencing means that after establishing guilt, the court postpones the final decision for a specified period, thereby allowing time for behavioral correction through non-criminal interventions. This institution is particularly important with respect to juveniles, since many of their delinquent acts are the product of environmental conditions, peer pressure, or transitory developmental crises, which may be remedied by educational or psychological interventions, avoiding a criminal judgment and its harmful consequences (Asgari, 2021; Zeynali, 2018).

By contrast, suspension of sentence occurs when the court issues a conviction but suspends its enforcement for a set period. This institution is equally valuable for juveniles, as it provides an opportunity for reintegration and behavioral redress without exposure to the negative consequences of incarceration and criminal labeling (Heydari, 2010; Niazpour, 2014).

From the perspective of domestic law, both the 2013 Code of Criminal Procedure and the 2013 Islamic Penal Code provide important capacities. For example, Article 40 of the Penal Code explicitly allows for deferral of sentencing in sixth to eighth-degree ta'zir offenses, facilitating broader application of this institution in juvenile cases. Moreover, the rules governing suspension of sentence execution grant judges considerable discretion to consider individual, family, and social circumstances of juvenile offenders. Where there is no prior effective criminal record and rehabilitation seems possible through non-custodial interventions, judges may substitute custodial punishments with alternative measures (Asgharlu, 2022; Boostani, 2023).

From a criminological perspective, these institutions are designed in line with developmental prevention and social rehabilitation. A juvenile who, instead of enduring imprisonment, is placed under social supervision, psychological counseling, or required to perform community service, is less exposed to stigma and the criminogenic effects of interaction with professional offenders. In other words, suspension and deferral of sentencing function as instruments to reduce the criminogenic potential of the justice system and prevent the first mistake from becoming a continuous cycle of delinquency (Mahdavi, 2018; Najafi Abrand Abadi, 1998).

At the international level, important instruments such as the Beijing Rules (1985) and the Tokyo Rules (1990) emphasize the necessity of using non-custodial measures and adopting differentiated policies toward juveniles. These instruments

encourage states to substitute traditional punitive sanctions with mechanisms that facilitate the juvenile's reintegration into society (Jensen, 2019; Morris & Maxwell, 2017).

4.2. *Institutionalizing Semi-Custodial and Alternative Sanctions*

One of the most significant innovations of modern criminal policy toward juveniles is the shift toward de-incarceration and the replacement of imprisonment with corrective and social institutions. National and international experiences confirm that imprisonment—especially for juveniles—is not reformatory and in many cases fosters secondary criminality, reinforces social stigmatization, and disrupts family and educational ties (Hemmat, 2018; Niazpour, 2016).

Accordingly, punishments such as semi-custodial sanctions and alternatives to imprisonment have gained attention as effective tools of differentiated criminal policy during the execution phase. Semi-custodial sanctions allow juveniles to spend part of their day or week in social, educational, or occupational settings while serving only a limited portion of their time in corrective facilities. This approach reduces the negative effects of incarceration and permits continuity in education or employment, preventing punishment from becoming an obstacle to the adolescent's future (Karimpour Al-Hashim, 2023; Vurvari, 2022).

Moreover, semi-custody functions as a moderating instrument, balancing the necessity of judicial control with the need for social rehabilitation. Alternatives to imprisonment, such as free community service, participation in educational or vocational programs, mandatory psychological counseling, or attendance in training workshops, are also concrete manifestations of restorative justice policy. These sanctions not only directly redress the social harm of delinquent behavior, but also create valuable opportunities for personal reform and reintegration into a healthy social life (Mahra, 2011; Mohammadi, 2016).

From a domestic law standpoint, the 2013 Islamic Penal Code, in Articles 64–87, extensively addresses alternatives to imprisonment. These provisions empower judges to impose measures such as free community service or mandatory educational programs. Particularly for juveniles, such alternatives—tailored to their age, family, and social circumstances—can yield far more constructive results than custodial punishments (Gholami, 2017; Zeynali, 2018).

From a criminological perspective, this approach illustrates the shift from repressive criminal justice to rehabilitative justice. Based on developmental and social learning theories, adolescents, if placed in appropriate rehabilitative environments, have the capacity to reconstruct their social and moral identity (Akers & Sellers, 2013; Shaffer, 2018). Alternatives to imprisonment provide positive social experiences that enable juveniles to internalize the role of a “responsible citizen” instead of that of a “delinquent.”

At the international level, human rights and juvenile justice instruments such as the Beijing Rules (1985) and the Riyadh Guidelines (1990) also emphasize the need to reduce reliance on imprisonment and to replace it with non-custodial measures. These instruments oblige states to utilize institutions such as semi-custody and community service, thereby not only safeguarding the fundamental rights of juveniles but also reducing the social and economic costs of incarceration (Fair et al., 2019; Karp & Fondacaro, 2018).

4.3. *The Approach of Pardon and Abolition of Punishment*

In differentiated criminal policy toward juveniles, there has always been an effort to treat punishment as a last resort of social response. One of the most notable manifestations of this approach is the use of pardon and abolition of punishment as mechanisms to moderate the severity of criminal reactions and to reinforce the rehabilitation of juveniles. This approach is grounded in principles such as human dignity, the doctrine of best interest, and the necessity of supporting the balanced development of adolescents' personalities (Mahra, 2011; Zeynali, 2018).

In its legal sense, pardon refers to the state's waiver of enforcing part or all of a sentence, which may occur in two forms: general pardon, usually enacted by legislation, which entirely eliminates the consequences of conviction; and special pardon, exercised by the supreme authority of the state, which reduces or commutes punishment in individual cases. In Iranian law, Article 110 of the Constitution assigns the authority to grant pardons or commutations to the Leader. The use of this institution,

particularly regarding juveniles, is a clear manifestation of restorative criminal policy, aimed not at intensifying punishment but at guiding the offender back to the path of social growth (Gholami, 2017; Saeedmand, 2016).

The abolition of punishment refers to the removal or suspension of certain traditional sanctions, especially severe custodial ones, in the treatment of juveniles. This policy, aligned with global juvenile justice trends, rests on the premise that punishment alone cannot reform adolescents and, in many cases, inflicts irreversible harms on their future (Hemmat, 2018; Nobahar, 2017). In contemporary criminal law literature, the abolition of punishment for juveniles often manifests in replacing harsh sanctions with social and educational measures. For example, the gradual elimination of corporal punishment in many legal systems and its substitution with community service or mandatory participation in educational programs exemplify this trend (Abbasi Khalijani, 2019; Mohammadi, 2016). This development in fact represents a redefinition of criminal justice from a humanistic and rehabilitative perspective.

From a criminological standpoint, this approach is particularly justified through restorative justice and developmental prevention theories. Empirical studies show that juveniles exposed to supportive measures—such as pardon or the abolition of custodial sentences—are less likely to reoffend and have greater chances of returning to healthy social life (Akers & Sellers, 2013; Kar, 2018). In other words, pardon and abolition function as instruments of resocialization, enabling the reconstruction of individual identity and removing juveniles from the cycle of persistent delinquency.

At the international level, key instruments such as the 1989 Convention on the Rights of the Child and the 1985 Beijing Rules emphasize the necessity of reducing severe punishments and replacing them with corrective measures. These instruments recommend that states, in dealing with juveniles, avoid custodial sanctions as much as possible and instead resort to methods such as pardon, commutation, or elimination of punishment (Morris & Maxwell, 2017; Roush, 2006).

4.4. *Supervision by Prosecutors and Judicial Authorities in the Execution of Juvenile Sentences*

One of the fundamental pillars of differentiated criminal policy toward juveniles is the continuous and precise supervision by judicial authorities over the process of sentence execution. Although execution marks the final phase of criminal proceedings, it plays a decisive role in ensuring juveniles' fundamental rights and achieving rehabilitative and corrective goals. In other words, if the stage of execution is not accompanied by differentiated principles, even earlier innovations in adjudication or sentencing will prove ineffective (Asgari, 2021; Niazpour, 2016).

In the Iranian legal system, the prosecutor is recognized as the authority responsible for overseeing the proper enforcement of criminal judgments. This function assumes particular importance in relation to juveniles, who are a vulnerable group for whom even minor errors or negligence in execution can produce serious and irreversible effects on personality and social development. For this reason, prosecutors and supervising judges are obliged to monitor the conditions of enforcement and, upon detecting any deviation from rehabilitative objectives, to take appropriate actions such as suspension, deferral, or substitution of punishment (Gholami, 2017; Vurvari, 2022).

In addition to prosecutors, juvenile courts themselves possess jurisdiction to supervise the enforcement of their decisions. In this framework, institutions such as correction and rehabilitation centers and social workers serve as executive arms, submitting reports to judicial authorities. This institutional interaction ensures that execution does not remain purely punitive but acquires corrective, educational, and supportive dimensions (Jahani, 2021; Jameidi, 2011).

International instruments also emphasize the importance of judicial supervision during the execution of juvenile sentences. For example, the 1985 Beijing Rules and the 1990 Havana Rules require that judicial authorities act as monitors and guarantors of juveniles' rights at all stages of enforcement. Similarly, the 1989 Convention on the Rights of the Child stipulates that any deprivation of liberty must be accompanied by periodic and effective judicial review to prevent potential abuses (Fair et al., 2019; Morris & Maxwell, 2017).

Furthermore, judicial supervision is not limited to the formal aspects of sentence execution but must also extend to its rehabilitative content. For instance, if a juvenile is sentenced to an alternative sanction such as community service or mandatory educational programs, the court must ensure that these measures genuinely contribute to rehabilitation and reintegration, rather than being implemented superficially (Kanani, 2018; Karimpour Al-Hashim, 2023).

Criminologists maintain that the absence of effective supervision over the enforcement of juvenile sentences can lead not only to the inefficiency of criminal policy but also to heightened perceptions of injustice, thereby fueling secondary delinquency. By contrast, continuous oversight by prosecutors and judicial authorities enhances juveniles' and their families' trust in the criminal justice system and strengthens their participation in the rehabilitation process (Akers & Sellers, 2013; Hawkins, 1992).

5. Challenges and Shortcomings of the Differentiated Policy in Iran

Despite the fact that differentiated criminal policy toward juveniles in Iran's legal system—drawing on jurisprudential foundations and human-rights norms—has progressed in recent decades, it still faces serious structural and functional challenges. These challenges have prevented many of this policy's progressive goals—such as rehabilitation, protection, and the reintegration of juveniles—from being fully realized. In truth, the transition from a classic penal policy to a differentiated criminal policy requires not only changes in statutes and regulations but also profound transformation in institutional, cultural, and operational contexts (Mahra, 2011; Niazpour, 2014). One of the most important current problems is legislative incoherence and the dispersion of rules: provisions governing juveniles are scattered across multiple laws and, at times, are mutually inconsistent, undermining efficiency and clarity in the administration of juvenile criminal justice. Moreover, insufficient awareness within executive and judicial institutions regarding the nature and philosophy of differentiated policy has meant that even existing legislative innovations are not properly realized in practice (Asgari, 2021; Jahani, 2021). In addition, institutional deficiencies—such as the absence of specialized juvenile courts in all provinces and the shortage of supportive infrastructure like well-equipped correction and rehabilitation centers—have produced regional and operational inequalities in juvenile justice. International juvenile justice standards, however, stress the need for specialized and professional structures (Fair et al., 2019; Morris & Maxwell, 2017). Finally, a comparative review of successful systems—such as France, England, and several Scandinavian countries—shows that progress in juvenile justice has occurred only where legislative reform was accompanied by judicial and police training, institutional infrastructure, and public culture-building. A brief comparative examination can thus open new horizons for improving differentiated criminal policy in Iran (Kar, 2018; Karp & Fondacaro, 2018).

5.1. *Legislative Incoherence and Dispersion of Regulations*

One of the principal challenges for differentiated criminal policy toward juveniles in Iran is the dispersion and lack of legislative coherence. Rules relating to offending children and adolescents are not contained in a single comprehensive, coherent statute; rather, they are dispersed across numerous and sometimes conflicting laws and regulations. This dispersion leads both judges and law-enforcement officers, at the point of implementation, into ambiguity, confusion, and divergent interpretations (Mahra, 2011; Mozdazadeh, 2008). In Iran's legislative framework, the rules on juvenile criminal responsibility, procedures, and sentence enforcement appear in various instruments, including the 2013 Islamic Penal Code, the 2013 Code of Criminal Procedure, the 2020 Law on the Protection of Children and Adolescents, and even certain executive bylaws such as the *Bylaw on the Separation and Classification of Prisoners*. Each instrument covers a portion of differentiated policy, but the lack of coordination among them has produced statutory conflicts in some instances. For example, Article 89 of the Islamic Penal Code envisages alternatives to imprisonment for juveniles, while other provisions of the same code or related executive bylaws emphasize stricter requirements (Gholami, 2017; Zeynali, 2018).

Another problem is that a significant share of provisions governing juveniles in Iran have been inserted piecemeal into foundational laws via amendments and addenda, thereby lacking clarity and coherence. For instance, the rules on establishing juvenile courts were first proposed in the draft Code of Criminal Procedure but underwent numerous, at times abrupt, changes—so that today some provinces have specialized juvenile divisions, while others still lack them (Asgari, 2021; Saeedmand, 2016). Furthermore, the multiplicity of legislative and executive centers (e.g., the Islamic Consultative Assembly, the Judiciary) has led to the passage of juvenile-related laws without sufficient inter-institutional coordination or alignment with macro-policy. As a result, we sometimes see duplication or even normative contradictions—for example, while the Law on the

Protection of Children and Adolescents stresses supportive and rehabilitative approaches, certain other criminal provisions retain punitive and repressive perspectives (Abbasi Khalijani, 2019; Niazpour, 2021).

Comparatively, successful systems show that legislative coherence is essential to realizing juvenile criminal justice. In France and England, for instance, rules relating to juveniles are integrated within comprehensive juvenile justice statutes that cover all stages—from responsibility through reintegration—in a unified manner (Kar, 2018; Karp & Fondacaro, 2018). These models demonstrate that dispersion can be a serious obstacle to implementing differentiated policy, and that moving toward a single, coordinated, comprehensive statute in Iran is an undeniable necessity.

5.2. *Limited Awareness among Executive and Judicial Bodies Regarding Differentiated Policy*

Another major barrier to implementing differentiated criminal policy toward juveniles in Iran is the insufficient awareness and inadequate understanding among executive and judicial bodies of the policy's philosophy and functions. Differentiated policy means that, in adjudicating juvenile offenses, principles such as attention to youths' psychological and social status, minimal use of custodial sanctions, and reliance on alternatives to imprisonment must be observed (Jameidi, 2011; Niazpour, 2014). In practice, however, many judges, law-enforcement officers, and agency staff lack familiarity with these principles and goals and continue to rely on traditional, punitive approaches (Asl'i, 2020; Hojjaty, 2019).

This knowledge gap stems from several core factors. First is the absence of sustained, specialized training for judges and law-enforcement officers in juvenile justice. Although the Judiciary has organized limited training courses in recent years, these have often been episodic and theoretical, lacking the transfer of successful practical experiences from other countries (Asgharlu, 2022; Jahani, 2021). Second is the insufficient incorporation of criminological and psychological considerations into juvenile proceedings: some judges still adopt a purely legal-punitive outlook and discount environmental, family, and social factors in offending (Mazemi, 2009; Orang, 1987). Additionally, a residual dominance of classic penal perspectives persists—emphasizing punishment and deterrence while overlooking the place of rehabilitation, reform, and social empowerment for juveniles (Basiri, 2008; Shamloo, 2011).

Consequently, modern legal mechanisms—such as criminal mediation or deferral of sentencing—are underutilized: many judges and officers either are unaware of these capacities or, due to skepticism regarding their effectiveness, refrain from applying them (Ramazani Qavamabadi, 2016; Zeynali, 2018). International experience shows that realizing differentiated policy requires broad, specialized, and continuous training for all actors within the criminal justice system. In Scandinavian systems and in England, for example, all judges and social workers who interact with juveniles must complete specialized training in developmental psychology, sociology of delinquency, and restorative justice (Peter, 2016; Roush, 2006). Such training enhances officials' understanding of the nature of juvenile delinquency and, in turn, strengthens the practical use of supportive and rehabilitative mechanisms.

In Iran, although the legislator has sought to address knowledge deficits by creating juvenile courts and requiring the presence of advisors alongside judges, the lack of necessary institutional groundwork and the shortage of specialized personnel have prevented full realization of this policy (Boostani, 2023; Jahani, 2021).

5.3. *Institutional Deficiencies*

Among the fundamental obstacles to realizing differentiated criminal policy in Iran are institutional deficiencies that hinder the effective implementation of protective rules and approaches toward children and adolescents. Although the legislator, in line with the principle of specialized juvenile proceedings, provided in the 2013 Code of Criminal Procedure for the establishment of special juvenile courts (Article 285), in practice these courts have not been established in all provinces and counties, and their coverage remains limited (Mohammadi, 2016; Saeedmand, 2016). In many parts of the country, juvenile cases continue to be heard in general criminal courts, which results in the neglect of the specific characteristics of this age group and violations of differentiated principles (Abbasi Khalijani, 2019; Asgari, 2021).

The absence of specialized juvenile courts is not merely a technical shortcoming but has multiple consequences for the quality of proceedings and the social future of juveniles. First, in general courts—where judges lack specialization in

developmental psychology and the sociology of delinquency—the dominant approach remains punitive, and rehabilitative capacities are marginalized (Mazemi, 2009; Shamloo, 2011). Second, without these courts, the principles of confidentiality and protection against stigmatization are not fully respected, since proceedings in general courts often follow rigid and public practices (Mozdazadeh, 2008; Zeynali, 2018).

Another institutional deficiency is the shortage of specialized staff—trained judges, social workers, psychologists, and counselors. Although the philosophy of juvenile courts requires a multidisciplinary team working alongside the judge, in practice, outside of major cities such resources are not available, forcing judges to decide based solely on their legal perspective, without professional consultation (Abai, 2001; Jahani, 2021). As a result, decisions are often devoid of criminological and psychological grounding, and rehabilitative goals remain unachieved.

Even where juvenile courts exist, their physical structures and facilities remain far from international standards. According to the Beijing Rules and the Riyadh Guidelines, the environment of juvenile proceedings must be informal, supportive, and free of the intimidating atmosphere of adult courts (Akers & Sellers, 2013; Karp & Fondacaro, 2018). In Iran, however, juvenile cases are often heard in the same physical settings as general courts, which exacerbates anxiety and stigma for juveniles (Boostani, 2023; Roulani, 2005).

Comparative analysis with successful systems shows that the existence of specialized juvenile courts across all geographic regions, supported by multidisciplinary teams, is a prerequisite for realizing differentiated policy. For example, in the United States and Scandinavian countries, juvenile courts exist nationwide and are connected to rehabilitation centers, counseling services, and vocational training programs—establishing a direct link between the justice system and social welfare policies (Jensen, 2019; Roush, 2006).

5.4. *A Brief Comparison with Successful Systems*

The study of differentiated criminal policy in Iran, without comparison to successful global systems, cannot provide a complete picture of its strengths and weaknesses. Even a brief comparative analysis reveals that many of Iran's shortcomings stem from legislative incoherence, institutional weaknesses, and a lack of supportive infrastructures, while countries with more advanced juvenile justice systems have achieved effective models through structural reforms and comprehensive policy-making.

In the United States, juvenile courts were established at the beginning of the 20th century and now exist in every state. Their hallmark is the integration of specialized judges with psychologists, social workers, and family counselors who participate collectively in decision-making (Roush, 2006). Additionally, a policy of de-incarceration toward juveniles has been pursued, emphasizing rehabilitation and widespread use of alternative measures such as suspension, community service, and mandatory counseling (Kar, 2018; Peter, 2016).

In Scandinavian countries, particularly Norway and Sweden, the model of juvenile justice is built on the principle of minimal intervention. Proceedings for juveniles occur less in formal courtrooms and more within quasi-judicial institutions and social rehabilitation centers. Juveniles in conflict with the law are rarely referred to formal courts and are instead supervised under rehabilitation programs and life-skills education (Fair et al., 2019; Jensen, 2019). Imprisonment is used only as a last resort and for the shortest period, resulting in some of the lowest juvenile detention rates globally.

In France, the legal system has, since the 1945 Child Protection Act (with subsequent reforms), adopted a hybrid model combining restorative and protective justice. Juvenile courts operate nationwide, and their jurisdiction extends to all cases involving individuals under 18. A notable feature of this system is the institution of the *juge des enfants* (juvenile judge), whose principal mission is to safeguard and support minors. French juvenile criminal policy emphasizes resocialization and behavioral reform rather than punishment (Morris & Maxwell, 2017; Shaffer, 2018).

By contrast, in Iran, although new legislative measures—such as the creation of juvenile courts and the adoption of institutions like suspension and deferral of sentencing—have been introduced, the principal challenge lies in the lack of institutional and operational infrastructure. In other words, Iran has taken legislative steps toward differentiated policy but,

compared with successful systems, still faces serious challenges at the level of implementation and judicial culture (Asgari, 2021; Niazpour, 2016).

A brief comparative overview shows that for Iran to align with international standards and successful models, three fundamental reforms are essential:

1. Establishing specialized juvenile courts in every province, staffed by trained judges and professional advisors.
2. Strengthening alternatives to imprisonment and restorative institutions such as mediation and community service.
3. Institutionalizing multidisciplinary cooperation among the judiciary, social welfare bodies, education, and health institutions in juvenile proceedings.

Such reforms could close the gap between legislative policy-making and practical implementation, placing Iran on the path to genuine differentiated juvenile justice consistent with global best practices.

6. Conclusion

Iran's criminal policy toward children and adolescents, although it has experienced some legislative developments in recent decades, still suffers from a fundamental duality between legal texts and practical realities. At the legislative level, principles such as "imprisonment as a last resort," "attention to the personality and specific conditions of juveniles," and "the necessity of social rehabilitation" have been recognized. However, in institutional and judicial practice, a security-oriented and punitive approach continues to dominate procedures.

This gap shows that what is missing in Iran's juvenile justice system is not merely written rules, but an institutional and cultural framework aligned with the supportive philosophy of those provisions. The absence of specialized courts across all provinces, the limited presence of social workers and psychologists in proceedings, and the lack of specialized training for judicial officers and judges have prevented legal capacities from being effectively realized. As a result, the differentiated justice that should operate on the basis of rehabilitation and reintegration has, in practice, been reduced to a punitive and disciplinary approach.

Comparative analysis also demonstrates that successful legal systems, by relying on mechanisms such as criminal mediation, the institution of juvenile judges, and effective alternatives to imprisonment, have been able to direct juvenile justice toward protection, reform, and crime reduction. These models clarify that the realization of differentiated justice is possible only when criminal law is closely connected with developmental psychology, the sociology of deviance, and social policy.

From this analysis, it can be concluded that Iran's criminal policy toward juveniles can only achieve its intended goals if it moves from declaratory laws to genuine institutionalization and judicial culture-building. Achieving this requires a redefinition of penal philosophy with a focus on supportive principles, the creation and expansion of specialized structures, and a shift from punishment-centered to rehabilitation-centered approaches. Only in this way can differentiated justice gain its rightful place in Iran's criminal justice system, fostering reduced delinquency, effective reform of offenders, and ultimately the strengthening of social security.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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