

Implementation Challenges of the Law on the Reduction of Ta'zir Imprisonment within the Judicial System

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Abstract

The Law on the Reduction of Ta'zir Imprisonment represents a major legislative effort to reform Iran's criminal justice policy by limiting reliance on custodial sanctions and promoting penal moderation. Despite its normative significance, the effectiveness of this law depends largely on how it is implemented within the judicial, institutional, and socio-cultural context of the criminal justice system. This narrative review article, employing a descriptive-analytical method, examines the principal challenges that have emerged in the course of implementing the law in judicial practice. The study analyzes these challenges across four interconnected dimensions: normative and legislative issues, judicial practice, institutional and administrative capacity, and socio-legal and cultural dynamics. The findings indicate that ambiguities in legislative drafting, inconsistencies with pre-existing criminal statutes, and the absence of clear sentencing guidelines have limited interpretive clarity and legal certainty. At the judicial level, divergent interpretations, resistance to non-custodial sanctions, and procedural constraints such as heavy caseloads have contributed to uneven application of the reform. Institutionally, training deficits, weak supervisory mechanisms, limited coordination with executive bodies, and challenges in prison administration and post-sentence management have further constrained effective implementation. At the socio-legal level, public perceptions of penal leniency, limited victim participation, inadequate restorative mechanisms, and persistent fears of recidivism have affected social acceptance and judicial confidence in reduced imprisonment policies. The article concludes that while the law reflects an important shift toward proportionality and rational punishment, its transformative potential can only be realized through coherent legislative refinement, strengthened institutional infrastructure, enhanced judicial training, and broader social engagement. Addressing these challenges is essential for translating penal moderation from a formal legislative objective into an operational and socially legitimate criminal justice practice.

Keywords: Ta'zir crimes; reduction of imprisonment; criminal policy reform; judicial implementation; penal moderation; Iranian criminal law

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1. Introduction

The evolution of punitive policy in Iran over recent decades reflects a growing tension between traditional custodial approaches and emerging reform-oriented perspectives within criminal law. For a long period, the Iranian criminal justice system relied heavily on imprisonment as the dominant response to criminal behavior, particularly within the broad domain of ta'zir crimes. This reliance was deeply rooted in legislative practice, judicial culture, and prevailing social expectations regarding punishment and deterrence. Classical and modern analyses of ta'zir in Iranian law emphasize that, despite the theoretical flexibility of ta'zir punishments, imprisonment gradually became the most frequently imposed sanction, often functioning as a default response rather than a carefully calibrated measure tailored to the nature of the offense and the offender's circumstances (Mir Khalili, 2014). The expansion of custodial sanctions occurred alongside the steady growth of statutory criminalization, a process that significantly increased the scope of behaviors subject to penal intervention (Gholami & Aghaei Midi, 2013).

Within this context, punitive policy reform in Iran emerged not as a sudden transformation but as a gradual response to structural inefficiencies and normative critiques. Scholars of Iranian criminal law have long argued that the excessive use of imprisonment undermines both the rehabilitative aims of punishment and the broader objectives of Islamic criminal jurisprudence, which places emphasis on proportionality, moral correction, and social harmony (Eimani et al., 2022). Empirical and doctrinal studies highlighted that imprisonment, particularly in short-term ta'zir sentences, often fails to achieve meaningful deterrence or rehabilitation, while simultaneously imposing significant social and economic costs on offenders, their families, and the state (Goldouzian, 2022). These critiques gradually influenced legislative and academic discourse, paving the way for reconsideration of penal severity and the role of non-custodial sanctions.

Historically, ta'zir crimes have occupied a unique position within Iranian criminal law due to their discretionary nature and adaptability to changing social conditions. In theory, this flexibility should have enabled judges to employ a wide range of sanctions tailored to individual cases. However, in practice, the absence of detailed sentencing guidelines and the dominance of punitive legal culture resulted in the routine imposition of imprisonment, even for minor or non-violent offenses (Noorpour & Ahmadi, 2012). Legal analyses demonstrate that this pattern was reinforced by legislative techniques that frequently introduced new criminal offenses without adequate consideration of proportional penalties or alternative sanctions (Karizaki, 2020). As a result, ta'zir imprisonment expanded both quantitatively and qualitatively, encompassing diverse categories of offenders and offenses with varying degrees of social harm.

The phenomenon of overcriminalization further intensified the reliance on custodial sanctions. Over time, the criminal law increasingly became a tool for regulating social, economic, and administrative behavior, leading to the criminalization of acts that could arguably be addressed through civil, administrative, or restorative mechanisms. Sociological analyses of the Law on the Reduction of Discretionary Imprisonment Sentences note that this expansion of criminal law contributed directly to prison overcrowding and systemic inefficiency (Ali Nasab & Bani Na'eimeh, 2022). The accumulation of ta'zir offenses within the penal code and special laws created a situation in which imprisonment was imposed not necessarily because of its effectiveness, but because of institutional inertia and limited alternatives available to judges (Imani et al., 2022).

Prison overcrowding emerged as one of the most visible and pressing consequences of this punitive trajectory. Studies addressing the conditions of Iranian prisons repeatedly underscore the mismatch between the volume of incoming offenders and the institutional capacity for effective management, rehabilitation, and reintegration (Alavi, 2018). Overcrowding not only strained physical infrastructure but also weakened correctional programs, reduced access to educational and vocational training, and exacerbated criminogenic conditions within prisons. From a policy perspective, this situation raised serious concerns regarding the effectiveness of imprisonment as a ta'zir sanction, particularly when its application produced outcomes contrary to the intended goals of deterrence and moral reform (Saeedi Abueshaghi et al., 2024).

In addition to structural challenges, the inefficiency of imprisonment became evident at the normative and practical levels. Legal scholars emphasized that short-term custodial sentences, which constitute a significant proportion of ta'zir imprisonment, often disrupt social ties, employment, and family stability without offering meaningful opportunities for behavioral change (Goldouzian, 2022). Comparative and jurisprudential analyses further indicated that excessive reliance on imprisonment

conflicts with the principles of Islamic jurisprudence, which allow for flexibility and context-sensitive punishment in ta'zir matters (Gholami & Aghaei Midi, 2013). These critiques reinforced the argument that imprisonment should be regarded as a last resort rather than a routine sanction within the ta'zir framework.

Against this backdrop, the enactment of the Law on the Reduction of Ta'zir Imprisonment represented a significant shift in Iranian criminal policy. The law was introduced as a legislative response to longstanding concerns regarding prison overcrowding, disproportional sentencing, and the limited effectiveness of custodial sanctions. Legal commentaries describe this reform as an explicit attempt to recalibrate the balance between punishment severity and social utility by reducing the scope of imprisonment and expanding alternative sanctions (Ferasat, 2025). By reclassifying certain offenses, modifying sentencing ranges, and increasing the use of non-custodial measures, the law aimed to operationalize a more moderate and rational penal policy (Gerami, 2023).

The adoption of this law also reflected broader intellectual and policy trends within Iranian criminal law scholarship. The concept of depenalization, though not fully embraced, gained renewed attention as scholars examined the possibility of limiting penal intervention without undermining social order (Alizadeh et al., 2022). At the same time, doctrinal analyses emphasized that reducing imprisonment does not necessarily equate to leniency but may instead enhance the effectiveness and legitimacy of the criminal justice system when properly implemented (Ghamsari & Dehkani, 2024). These perspectives framed the law as part of an evolving criminal policy rather than an isolated legislative experiment.

Despite its normative ambitions, the practical implementation of the Law on the Reduction of Ta'zir Imprisonment has generated considerable debate and uncertainty within the judicial system. Legal practitioners and scholars have observed that the mere enactment of reform-oriented legislation does not automatically translate into meaningful change in judicial practice (Koushki & Zandi, 2023). The persistence of traditional sentencing habits, ambiguities in statutory language, and institutional constraints have all influenced how the law is applied in practice. Consequently, there is a growing recognition that implementation analysis is essential for assessing the true impact of the reform beyond its textual provisions (Gerami, 2023).

Analyzing implementation challenges is particularly important in the Iranian context, where the gap between legislative intent and judicial practice has historically shaped the effectiveness of criminal reforms. Studies of alternative punishments and electronic monitoring systems illustrate that innovative sanctions often encounter resistance due to insufficient infrastructure, lack of training, or skepticism among judges and prosecutors (Abolhasani & Alipour, 2021). Without careful examination of these factors, reform initiatives risk remaining symbolic rather than transformative. This concern underscores the necessity of moving beyond normative analysis to explore how legal rules operate within real institutional settings (Nouri, 2022).

The central research problem addressed in this review arises from the tension between the objectives of the Law on the Reduction of Ta'zir Imprisonment and the realities of its execution within the judicial system. While the law seeks to limit custodial sanctions and promote alternative measures, its implementation occurs within a complex environment shaped by entrenched legal culture, procedural constraints, and social expectations regarding punishment. Existing literature often focuses on the content of the law or its theoretical foundations, leaving a gap in comprehensive analyses of the obstacles that hinder its effective application (Goldouzian, 2022). Addressing this gap is essential for evaluating whether the reform has achieved its intended goals or merely reconfigured existing practices without substantive change.

The significance of this research lies in its potential to contribute to both academic discourse and practical policy development. By systematically examining implementation challenges, the study provides insights into the interaction between law, institutions, and social context in the field of criminal justice reform. Such analysis can inform future legislative amendments, judicial training programs, and policy initiatives aimed at enhancing the effectiveness of non-custodial sanctions (Alavi, 2018). Moreover, understanding these challenges contributes to broader debates on penal moderation and rational criminal policy within Islamic legal systems (Saeedi Abueshaghi et al., 2024).

The objective of this narrative review is to identify, classify, and analyze the main challenges associated with implementing the Law on the Reduction of Ta'zir Imprisonment within the judicial domain. The review seeks to synthesize existing doctrinal, sociological, and practical studies to provide a comprehensive picture of the barriers that affect the law's operation. Guiding questions include how historical reliance on imprisonment shapes judicial responses to the reform, what normative and institutional ambiguities complicate sentencing decisions, and how socio-legal factors influence the acceptance of alternative

sanctions. By addressing these questions, the study aims to clarify the conditions under which the law can function as an effective instrument of criminal policy reform rather than a purely formal legislative change.

2. Conceptual and Legal Foundations

2.1. *Ta'zir Crimes and Imprisonment in Iranian Criminal Law*

In the structure of Iranian criminal law, ta'zir crimes constitute a broad and flexible category of offenses whose punishments are not fixed by divine texts but are left to legislative determination and judicial discretion. Ta'zir punishments are designed to respond to a wide spectrum of unlawful behaviors that threaten public order, social morality, or individual rights, and their scope extends far beyond the limited and clearly defined domains of hudud and qisas. Jurisprudential analyses emphasize that ta'zir was historically conceived as an adaptive instrument, allowing the ruler or judge to select an appropriate response based on the circumstances of the offense and the offender (Mir Khalili, 2014). This adaptability reflects an underlying assumption that social conditions, patterns of deviance, and public interests evolve over time, requiring a dynamic and context-sensitive penal response rather than rigid sanctioning formulas.

From a legal perspective, the scope of ta'zir punishments in Iran has expanded significantly through statutory enactments, particularly after the codification of criminal law and the proliferation of special penal statutes. Scholars note that ta'zir crimes now encompass a diverse range of conduct, including economic offenses, administrative violations, moral transgressions, and emerging forms of cyber-related behavior (Karizaki, 2020). While this expansion demonstrates the capacity of ta'zir to accommodate new social realities, it has also contributed to the increasing reliance on punitive measures, especially imprisonment, as a default sanction. This tendency has been reinforced by legislative drafting practices that often prioritize criminalization without sufficiently elaborating alternative or graduated penalty schemes (Noorpour & Ahmadi, 2012).

The philosophical foundation of ta'zir sanctions is rooted in corrective justice, deterrence, and moral reform rather than retribution alone. Classical jurists viewed ta'zir as a means of disciplining behavior in a manner proportionate to the harm caused and the offender's culpability, allowing for mercy, mitigation, and individualized judgment (Gholami & Aghaei Midi, 2013). Contemporary legal scholarship echoes this view by emphasizing that ta'zir should function as a flexible mechanism capable of integrating rehabilitative and preventive objectives (Eimani et al., 2022). However, the translation of this philosophy into positive law and judicial practice has been uneven, particularly in relation to the choice of sanctions.

Despite the theoretical flexibility of ta'zir, imprisonment gradually emerged as the dominant penalty in Iranian criminal practice. Legal analyses reveal that custodial sanctions became deeply entrenched as a symbol of state authority and deterrence, often overshadowing non-custodial alternatives (Goldouzian, 2022). This dominance can be attributed to several factors, including the perceived simplicity of imprisonment as a sanction, the lack of institutional infrastructure for alternative penalties, and prevailing judicial attitudes that equate severity with effectiveness (Imani et al., 2022). As a result, imprisonment was routinely imposed even in cases where the underlying philosophy of ta'zir would have permitted less intrusive measures.

2.2. *Criminal Policy Shift Toward Penal Moderation*

The growing recognition of the limitations and adverse consequences of excessive imprisonment prompted a gradual shift in Iranian criminal policy toward penal moderation. Penal minimalism, as a guiding principle, emphasizes restraint in the use of criminal sanctions and advocates for limiting penal intervention to cases where it is strictly necessary. Legal scholars argue that this approach aligns with the foundational objectives of criminal law by reducing unnecessary harm and enhancing the legitimacy of the justice system (Alavi, 2018). Within the ta'zir framework, penal minimalism calls for a reassessment of imprisonment as a routine response and encourages greater reliance on proportionate and context-sensitive sanctions.

Proportionality occupies a central position in this emerging policy orientation. The principle requires that the severity of punishment correspond to the gravity of the offense and the degree of culpability, a concept that has both jurisprudential and constitutional significance in Iranian law (Mir Khalili, 2014). Excessive use of imprisonment, particularly for minor ta'zir offenses, has been criticized for violating proportionality by imposing sanctions that exceed the social harm caused

(Goldouzian, 2022). This critique has been reinforced by empirical observations that disproportionate punishment undermines respect for the law and weakens its deterrent effect.

De-incarceration emerged as a practical expression of penal moderation, focusing on reducing prison populations through legislative reform and alternative sentencing strategies. Studies examining Iranian criminal policy highlight that de-incarceration is not synonymous with decriminalization but rather involves recalibrating the response to crime by substituting imprisonment with sanctions such as fines, community service, suspended sentences, and electronic monitoring (Abolhasani & Alipour, 2021). These alternatives aim to preserve social ties, reduce recidivism, and minimize the collateral consequences associated with custodial sanctions.

The compatibility of penal moderation with Islamic criminal jurisprudence has been a central theme in scholarly debates. Comparative analyses demonstrate that Islamic jurisprudence, particularly within the Imami tradition, provides ample doctrinal support for moderation and flexibility in ta'zir punishments (Saeedi Abueshaghi et al., 2024). Jurists have long acknowledged that the purpose of ta'zir is corrective rather than punitive, allowing for mitigation, forgiveness, and context-based judgment (Gholami & Aghaei Midi, 2013). From this perspective, reducing reliance on imprisonment is not a departure from Islamic principles but a reaffirmation of their underlying values.

Nevertheless, the transition toward penal moderation has faced conceptual and practical challenges. Some commentators express concern that reducing imprisonment may weaken deterrence or signal leniency toward criminal behavior (Ali Nasab & Bani Na'eimeh, 2022). Others argue that without robust enforcement mechanisms and public awareness, alternative sanctions may fail to achieve their intended objectives (Koushki & Zandi, 2023). These debates underscore the importance of designing reforms that balance moderation with effectiveness, ensuring that non-custodial sanctions are perceived as credible and meaningful responses to crime.

2.3. Overview of the Law on the Reduction of Ta'zir Imprisonment

The Law on the Reduction of Ta'zir Imprisonment was enacted against this backdrop of conceptual reorientation and policy debate, reflecting a legislative effort to operationalize penal moderation within the Iranian criminal justice system. The primary legislative objective of the law was to address structural problems associated with excessive imprisonment, including prison overcrowding, disproportionate sentencing, and the inefficiency of custodial sanctions in achieving rehabilitation (Ferasat, 2025). By reforming sentencing ranges and reclassifying certain offenses, the law sought to limit the use of imprisonment while preserving the deterrent function of criminal law.

Legal commentaries emphasize that the law represents a shift from a punitive to a more rational and selective approach to imprisonment (Gerami, 2023). One of its key objectives was to encourage judges to consider alternative sanctions more actively and to reserve imprisonment for cases involving serious harm or persistent offending. This objective reflects a broader understanding that the effectiveness of criminal law depends not on the severity of punishment alone but on its proportionality, certainty, and social legitimacy (Goldouzian, 2022).

Among the key reforms introduced by the law is the reduction of statutory imprisonment terms for a significant number of ta'zir offenses. By lowering maximum and minimum sentencing thresholds, the legislature aimed to create greater space for judicial discretion in favor of non-custodial sanctions (Gerami, 2023). The law also expanded the category of compoundable crimes, enabling greater reliance on reconciliation and victim consent as mechanisms for resolving criminal disputes (Ghamsari & Dehkani, 2024). These reforms signal an intention to shift the focus of criminal justice from punitive isolation to social resolution and restoration.

Another important aspect of the law concerns the expansion and normalization of alternatives to imprisonment. By explicitly recognizing and facilitating the use of measures such as fines, probation, suspended sentences, and electronic monitoring, the law sought to strengthen the institutional basis for de-incarceration (Abolhasani & Alipour, 2021). This approach reflects an understanding that alternatives must be supported by clear legal frameworks and administrative capacity in order to function effectively. Without such support, judicial reliance on imprisonment is likely to persist despite formal legislative changes (Koushki & Zandi, 2023).

The scope of application of the law, however, is not unlimited. Certain categories of offenses and offenders are excluded from its benefits, particularly where public security, serious violence, or organized criminal activity is involved. Legal analyses note that these exclusions were designed to address concerns about public safety and to maintain the credibility of criminal justice reform (Nouri, 2022). At the same time, the existence of exclusions has generated interpretive challenges regarding the boundaries of the law's application and the criteria for determining eligibility for reduced imprisonment.

From a doctrinal standpoint, the law interacts in complex ways with pre-existing provisions of the Islamic Penal Code and special criminal statutes. Scholars observe that inconsistencies and ambiguities in this interaction have created uncertainty in judicial practice, particularly with respect to retroactivity and the prioritization of conflicting norms (Gerami, 2023). These issues highlight the importance of understanding the law not merely as a set of isolated amendments but as part of an integrated legal system whose coherence affects implementation outcomes.

In conceptual terms, the Law on the Reduction of Ta'zir Imprisonment embodies a legislative attempt to reconcile traditional penal practices with contemporary demands for efficiency, proportionality, and human dignity. By reducing reliance on imprisonment and promoting alternative sanctions, the law reflects an evolving vision of criminal justice that seeks to balance social order with individual rights. Whether this vision can be realized in practice depends on a range of normative, institutional, and cultural factors that extend beyond the text of the law itself, underscoring the need for a comprehensive analysis of its implementation within the judicial domain.

3. Normative and Legislative Challenges

3.1. Ambiguities in Legislative Drafting

One of the most significant normative challenges in implementing the Law on the Reduction of Ta'zir Imprisonment arises from ambiguities embedded in its legislative drafting. Although the law was enacted with the intention of clarifying and rationalizing the use of custodial sanctions, its text contains a number of indeterminate legal terms that complicate interpretation and application in judicial practice. Legal scholars have observed that concepts such as the "reduction" of imprisonment, the "replacement" of custodial sanctions, and the "scope" of judicial discretion are not consistently defined, leaving substantial room for subjective interpretation (Ferasat, 2025). This indeterminacy undermines legal certainty and challenges the predictability of sentencing outcomes, which are essential components of the rule of law.

The problem of vague terminology is particularly acute in provisions that seek to limit imprisonment while simultaneously preserving judicial discretion. For example, the law often relies on broad evaluative standards rather than precise criteria, expecting judges to balance considerations such as public interest, offender characteristics, and social harm without providing detailed guidance on how these factors should be weighed (Goldouzian, 2022). While flexibility is inherent to ta'zir punishments, excessive vagueness risks producing inconsistent outcomes that contradict the law's reform-oriented objectives. Scholars note that when legal norms lack sufficient determinacy, judges tend to revert to familiar practices, which in the Iranian context often means continued reliance on imprisonment (Koushki & Zandi, 2023).

Ambiguities are further exacerbated by overlapping provisions between the Law on the Reduction of Ta'zir Imprisonment and the Islamic Penal Code. The Iranian criminal system is characterized by layered legislation, where general codes coexist with special laws and subsequent amendments. In this environment, the introduction of reform-oriented provisions without explicit rules of priority has generated uncertainty regarding their relationship with pre-existing norms (Gerami, 2023). Judges are frequently confronted with situations in which provisions of the Islamic Penal Code appear to authorize imprisonment, while the newer law encourages reduction or substitution, creating interpretive tension that is not easily resolved through conventional methods of statutory interpretation.

Doctrinal analyses highlight that the lack of explicit harmonization clauses has placed an additional interpretive burden on the judiciary. Rather than providing clear guidance on how conflicts should be resolved, the law assumes that judges will integrate its objectives into existing legal frameworks (Goldouzian, 2022). This assumption overlooks the practical realities of judicial decision-making, where time constraints and institutional pressures often discourage extensive interpretive analysis. As a result, ambiguities in legislative drafting become a source of uneven application, weakening the law's capacity to transform sentencing practices in a consistent manner.

3.2. *Inconsistencies with Pre-Existing Criminal Statutes*

Beyond internal ambiguities, the Law on the Reduction of Ta'zir Imprisonment faces normative challenges stemming from inconsistencies with pre-existing criminal statutes, particularly special criminal laws enacted prior to the reform. Iranian criminal legislation includes numerous sector-specific statutes addressing economic offenses, administrative violations, and professional misconduct, many of which retain stringent custodial penalties. Studies emphasize that these special laws often operate independently of the general principles articulated in the Islamic Penal Code and its amendments (Karizaki, 2020). When the reform law does not explicitly address its relationship with these statutes, judges are left uncertain as to whether reduced imprisonment provisions apply or whether special laws prevail.

This conflict is especially evident in cases involving financial crimes, fraud, and property offenses, where special statutes frequently mandate imprisonment as a primary sanction. Empirical analyses of judicial practice reveal that courts often prioritize the explicit penalties contained in special laws over the more general reduction-oriented principles of the reform law (Koushki & Zandi, 2023). Such prioritization undermines the law's goal of limiting custodial sanctions and perpetuates disparities in sentencing across different categories of offenses. The resulting fragmentation of penal policy reflects a broader legislative inconsistency that complicates efforts toward coherent criminal reform.

The issue of retroactivity further illustrates the normative complexity of implementing the law. While the principle of applying more lenient criminal laws retroactively is recognized in Iranian criminal jurisprudence, its practical application in the context of the reform law has been uneven (Goldouzian, 2022). Questions arise regarding whether reduced imprisonment provisions should apply to ongoing cases, finalized judgments, or sentences currently being executed. In the absence of detailed transitional provisions, courts have adopted divergent approaches, leading to unequal treatment of similarly situated offenders (Gerami, 2023).

Transitional justice concerns are particularly pronounced for individuals already serving ta'zir imprisonment sentences at the time of the law's enactment. Legal scholars argue that failure to apply reduction provisions retroactively in a consistent manner risks violating principles of fairness and equality before the law (Nouri, 2022). At the same time, administrative and institutional constraints have limited the capacity of the judiciary and prison authorities to reassess large numbers of cases efficiently. This tension between normative principles and practical feasibility illustrates how legislative inconsistencies can generate implementation challenges that extend beyond doctrinal interpretation into institutional practice.

The coexistence of reform-oriented norms with older punitive statutes also raises questions about legislative coherence and criminal policy direction. Sociological analyses suggest that when criminal law conveys mixed signals regarding the desirability of imprisonment, judicial actors are more likely to adhere to established punitive norms rather than embrace reform (Ali Nasab & Bani Na'eimeh, 2022). This dynamic weakens the symbolic and practical impact of the law, reinforcing skepticism about the sustainability of penal moderation within the existing legislative framework.

3.3. *Sentencing Framework and Discretion Problems*

A further set of normative challenges relates to the sentencing framework established by the Law on the Reduction of Ta'zir Imprisonment and the scope of judicial discretion it entails. While the law aims to encourage reduced reliance on imprisonment, it does not introduce comprehensive sentencing guidelines to structure judicial decision-making. Scholars have repeatedly emphasized that the absence of clear guidelines creates uncertainty regarding how alternative sanctions should be selected, combined, or prioritized in individual cases (Noorpour & Ahmadi, 2012). This gap leaves judges without a coherent framework for operationalizing the law's objectives, increasing the likelihood of inconsistent and unpredictable outcomes.

The problem of guideline deficiency is particularly significant given the traditional dominance of imprisonment in ta'zir sentencing. Without explicit benchmarks or criteria for choosing non-custodial sanctions, judges may perceive imprisonment as the safest and most familiar option, even when statutory provisions permit alternatives (Imani et al., 2022). Legal commentaries note that discretion, when exercised in the absence of structured guidance, can paradoxically reinforce conservatism rather than innovation in sentencing practices (Goldouzian, 2022). As a result, the law's reliance on judicial discretion becomes a double-edged sword, offering flexibility while simultaneously enabling resistance to change.

Uneven judicial interpretations further compound these challenges. Analyses of court decisions following the enactment of the law reveal significant variation in how judges interpret and apply reduction provisions (Koushki & Zandi, 2023). Some courts adopt a reform-oriented reading, actively seeking to minimize imprisonment and expand the use of alternatives, while others interpret the law narrowly, limiting its impact to a small subset of cases. This divergence reflects differences in judicial philosophy, professional training, and perceptions of social expectations regarding punishment (Alavi, 2018).

Such disparities raise concerns about equality before the law and the uniformity of criminal justice. When similarly situated offenders receive markedly different sentences based on the interpretive preferences of individual judges, public confidence in the fairness of the legal system may be undermined (Ali Nasab & Bani Na'eimeh, 2022). Moreover, uneven interpretation complicates appellate review, as higher courts must navigate a fragmented landscape of lower-court practices without the benefit of comprehensive sentencing standards.

The interaction between discretion and institutional culture also plays a crucial role in shaping sentencing outcomes. Studies on alternative punishments indicate that judges' willingness to depart from imprisonment depends not only on legal authorization but also on institutional support, training, and perceived legitimacy of non-custodial sanctions (Abolhasani & Alipour, 2021). In the absence of robust supervisory mechanisms and performance indicators, discretionary decision-making may reflect individual risk aversion rather than principled adherence to reform objectives.

From a normative standpoint, the lack of sentencing guidelines and the resulting variability in judicial practice highlight a structural weakness in the legislative design of the reform. While flexibility is consistent with the philosophy of ta'zir, effective implementation of penal moderation requires a balance between discretion and guidance. Comparative and jurisprudential analyses suggest that structured discretion, supported by clear principles and illustrative criteria, can enhance consistency without undermining judicial independence (Saeedi Abueshaghi et al., 2024). The failure to incorporate such mechanisms into the Law on the Reduction of Ta'zir Imprisonment limits its capacity to produce systemic change.

In sum, normative and legislative challenges significantly affect the implementation of the Law on the Reduction of Ta'zir Imprisonment within the judicial system. Ambiguities in drafting, inconsistencies with pre-existing statutes, and deficiencies in the sentencing framework interact to create an environment in which reform objectives are difficult to realize in practice. These challenges do not negate the law's potential but underscore the importance of coherent legislative design and supportive interpretive frameworks. Addressing these issues is essential for transforming penal moderation from a legislative aspiration into an operational reality within Iranian criminal justice.

4. Judicial Challenges in Implementation

The effectiveness of the Law on the Reduction of Ta'zir Imprisonment depends not only on its normative design but also, to a significant extent, on the manner in which it is interpreted and applied by the judiciary. Judicial practice constitutes the primary arena in which legislative intentions are translated into concrete outcomes, and it is within this arena that some of the most persistent challenges to implementation have emerged. Scholars examining post-reform case law emphasize that judicial actors play a decisive role in shaping the practical scope of penal moderation, particularly in systems such as Iran's where judicial discretion is structurally embedded in ta'zir sentencing (Gerami, 2023). Consequently, divergences in interpretation, resistance rooted in legal culture, and procedural constraints have collectively limited the transformative potential of the reform.

One of the most visible judicial challenges concerns the lack of unified judicial practice in applying the Law on the Reduction of Ta'zir Imprisonment. Despite the law's overarching objective of limiting custodial sanctions, court decisions reveal significant variation in how its provisions are understood and operationalized. Empirical studies of judicial rulings demonstrate that some judges interpret the law expansively, treating it as a guiding framework that prioritizes non-custodial sanctions wherever legally permissible, while others adopt a restrictive reading that confines its application to narrowly defined circumstances (Koushki & Zandi, 2023). This divergence has resulted in inconsistent sentencing outcomes across different courts and jurisdictions, even in cases involving comparable offenses and offender profiles.

The absence of a unified judicial approach can be partly attributed to the lack of authoritative interpretive guidance. In the Iranian legal system, judicial precedent does not operate with the binding force characteristic of common law systems, and advisory opinions issued by higher judicial bodies often carry persuasive rather than obligatory weight (Goldouzian, 2022).

As a result, lower courts retain substantial autonomy in interpreting legislative reforms, which can lead to fragmentation when norms are ambiguous or contested. Analyses of post-reform judicial practice indicate that, in the absence of clear and consistent guidance, judges tend to rely on personal interpretive frameworks shaped by prior experience and professional socialization (Imani et al., 2022).

Advisory opinions and unifying decisions have the potential to mitigate interpretive divergence, yet their impact in the context of the reform law has been limited. While some advisory interpretations have sought to clarify the application of reduced imprisonment provisions, their non-binding nature means that compliance varies significantly across courts (Gerami, 2023). Moreover, the timing and scope of such opinions have not always aligned with the practical needs of judges facing complex sentencing decisions. This gap between interpretive guidance and judicial demand has reinforced uncertainty and contributed to uneven application of the law.

Beyond interpretive divergence, resistance to non-custodial sanctions represents a deeper cultural challenge within the judiciary. Legal sociologists emphasize that judicial attitudes toward punishment are shaped by long-standing institutional norms and professional identities, which in Iran have historically favored imprisonment as the most authoritative and visible form of sanction (Ali Nasab & Bani Na'eimeh, 2022). This cultural orientation persists despite legislative reforms and academic critiques, influencing how judges perceive the legitimacy and effectiveness of alternative sanctions. As a result, even when legal provisions explicitly allow for non-custodial measures, judges may hesitate to apply them in practice.

The preference for imprisonment is often justified by reference to deterrence and public expectations. Some judges express concern that substituting imprisonment with alternatives may be perceived as leniency, potentially undermining public confidence in the criminal justice system (Alavi, 2018). This concern is particularly pronounced in cases involving economic offenses or crimes that attract media attention, where symbolic severity is perceived as essential. Studies examining judicial reasoning reveal that such perceptions frequently outweigh empirical evidence regarding the limited deterrent effect of short-term imprisonment (Goldouzian, 2022).

Perceived inadequacy of alternative sanctions further reinforces resistance to de-incarceration. Although the reform law expands the availability of non-custodial measures, judges often question their practical effectiveness and enforceability. Research on electronic monitoring and other alternatives highlights concerns regarding insufficient infrastructure, limited supervisory capacity, and uncertainty about compliance mechanisms (Abolhasani & Alipour, 2021). When judges lack confidence in the state's ability to monitor and enforce alternative sanctions, they may view imprisonment as a more reliable option, regardless of its broader social costs.

This skepticism is compounded by uneven institutional support for non-custodial sanctions across regions. In jurisdictions where probation services, community supervision, or electronic monitoring systems are underdeveloped, judges face practical obstacles to implementing alternatives (Noorpour & Ahmadi, 2012). As a result, the availability of non-custodial sanctions becomes contingent on local administrative capacity rather than uniform legal standards. Such disparities contribute to geographic inequality in sentencing outcomes and weaken the law's objective of systemic reform.

Procedural barriers within the judicial system further complicate the implementation of the reform. One of the most persistent obstacles is the chronic backlog of cases confronting Iranian courts. High caseloads and limited judicial resources constrain the time judges can devote to individualized sentencing analysis, which is essential for the effective application of alternative sanctions (Karizaki, 2020). In such conditions, imprisonment may be perceived as the most expedient option, requiring less procedural coordination than non-custodial measures that involve multiple agencies and follow-up mechanisms.

Time constraints also affect judges' willingness to engage with the complexity introduced by the reform. The Law on the Reduction of Ta'zir Imprisonment modifies sentencing ranges, reclassifies offenses, and expands the menu of available sanctions, thereby increasing the cognitive and procedural demands of sentencing decisions (Ferasat, 2025). For judges operating under pressure to resolve cases efficiently, navigating these complexities may be viewed as burdensome. Consequently, some judges may default to familiar sentencing patterns rather than fully engaging with the reform's possibilities.

Sentencing complexity is particularly evident in cases involving multiple offenses or overlapping legal provisions. The interaction between the reform law, the Islamic Penal Code, and special criminal statutes often requires careful legal analysis

to determine applicable sentencing rules (Gerami, 2023). In practice, however, judges may lack the time or institutional support to undertake such analysis consistently. This situation increases the risk of simplified decision-making that prioritizes procedural efficiency over substantive alignment with reform objectives.

The cumulative effect of these procedural barriers is a pattern of selective and uneven implementation. Studies of judicial practice suggest that judges are more likely to apply reduced imprisonment provisions in straightforward cases with clear legal pathways, while more complex cases tend to revert to traditional custodial sanctions (Koushki & Zandi, 2023). This selective application undermines the law's capacity to address systemic issues such as prison overcrowding and sentencing disproportionality.

Another procedural challenge relates to appellate review and oversight. While higher courts have the authority to correct misapplications of the law, the volume of cases and the absence of specialized sentencing review mechanisms limit the effectiveness of appellate intervention (Goldouzian, 2022). Moreover, divergent interpretations at the trial level complicate the development of consistent appellate jurisprudence, as higher courts must navigate a fragmented landscape of lower-court practices.

Judicial training and professional development also play a critical role in shaping implementation outcomes. Research indicates that judges who have received targeted training on alternative sanctions and the objectives of penal moderation are more likely to apply the reform law proactively (Abolhasani & Alipour, 2021). However, such training programs are not uniformly available, and their content varies in scope and depth. The absence of systematic, nationwide training initiatives limits the judiciary's collective capacity to internalize and operationalize the reform's principles.

From a broader perspective, judicial challenges in implementation reflect the complex interplay between legal norms, institutional culture, and procedural realities. While the Law on the Reduction of Ta'zir Imprisonment provides a formal framework for penal moderation, its success ultimately depends on the willingness and ability of judges to reinterpret their role within a changing criminal policy environment. Scholars emphasize that without addressing judicial resistance and procedural constraints, legislative reforms risk remaining symbolic rather than transformative (Ali Nasab & Bani Na'eimeh, 2022).

The persistence of divergent interpretations, resistance to non-custodial sanctions, and procedural barriers underscores the need for a holistic approach to reform implementation. Legal change alone is insufficient to alter deeply ingrained practices; it must be accompanied by institutional support, interpretive guidance, and cultural transformation within the judiciary. Understanding these judicial challenges is therefore essential for assessing the real-world impact of the reform and for identifying pathways toward more consistent and effective application of penal moderation within the Iranian criminal justice system.

5. Institutional and Administrative Challenges

The implementation of the Law on the Reduction of Ta'zir Imprisonment has revealed a range of institutional and administrative challenges that significantly affect its practical effectiveness. While legislative reform provides the normative foundation for penal moderation, its realization depends heavily on the capacity of judicial and executive institutions to adapt their structures, processes, and professional competencies. Scholars emphasize that without corresponding institutional reform, changes in substantive criminal law are unlikely to produce sustained transformation in sentencing practices (Goldouzian, 2022). In the Iranian context, structural limitations within the judiciary, weaknesses in supervisory and enforcement mechanisms, and challenges related to prison administration collectively constrain the law's capacity to achieve its intended objectives.

One of the most prominent structural limitations within the judiciary concerns training deficits among judges and prosecutors. The transition from a custodial-centered sentencing model to one that emphasizes alternatives to imprisonment requires a significant shift in legal reasoning, risk assessment, and case management skills. Studies indicate that many judges and prosecutors received their professional training at a time when imprisonment was regarded as the primary and most effective sanction for ta'zir crimes (Imani et al., 2022). As a result, their formal education and practical experience often lack sufficient exposure to the theoretical foundations and operational requirements of non-custodial sanctions.

This training gap has practical implications for sentencing decisions. Judges who are unfamiliar with the objectives, mechanisms, and enforcement modalities of alternative sanctions may be reluctant to apply them, particularly in complex cases where the consequences of non-compliance are uncertain (Abolhasani & Alipour, 2021). Legal analyses suggest that insufficient training contributes to conservative sentencing behavior, as judges prefer sanctions with which they are most familiar and confident, even when statutory reforms encourage alternative approaches (Goldouzian, 2022). Prosecutors, who play a critical role in shaping sentencing outcomes through charging decisions and recommendations, are similarly affected by limited training in the application of de-incarceration policies (Ali Nasab & Bani Na'eimeh, 2022).

The absence of specialized sentencing units within the judiciary further exacerbates these challenges. In systems that have successfully implemented penal moderation, specialized units or committees often provide judges with expert assessments, risk evaluations, and recommendations regarding appropriate sanctions. In Iran, however, sentencing decisions are typically made by individual judges without access to multidisciplinary support structures (Noorpour & Ahmadi, 2012). This institutional arrangement places a heavy burden on judges to assess offender characteristics, social context, and the feasibility of alternative sanctions within tight procedural constraints.

Scholars argue that the lack of specialized sentencing units limits the judiciary's ability to individualize punishment effectively and consistently (Gerami, 2023). Without institutionalized expertise in areas such as probation management, electronic monitoring, or restorative justice, judges may struggle to match sanctions to offenders in a manner that aligns with the law's reformist intent. The result is a fragmented approach to sentencing, where the availability and quality of alternatives depend largely on the personal initiative and experience of individual judges rather than a coherent institutional framework.

Weaknesses in supervisory and enforcement mechanisms represent another major institutional obstacle. The effectiveness of alternative sanctions depends on reliable systems for monitoring compliance and responding to violations. Research on non-custodial sanctions in Iran highlights persistent gaps in supervision infrastructure, particularly with respect to probation services and electronic monitoring systems (Abolhasani & Alipour, 2021). When supervisory mechanisms are perceived as weak or unreliable, judges may question the credibility of alternatives to imprisonment and revert to custodial sanctions as a means of ensuring compliance.

Monitoring challenges are particularly acute in cases involving community-based sanctions, where effective oversight requires coordination between judicial authorities and social services. Studies indicate that limited staffing, inadequate technological resources, and unclear lines of responsibility hinder the consistent monitoring of offenders subject to alternative sanctions (Karizaki, 2020). These deficiencies not only undermine the effectiveness of non-custodial measures but also expose the judiciary to criticism in cases of reoffending or non-compliance, reinforcing institutional risk aversion.

Coordination with executive institutions constitutes a further dimension of the supervisory challenge. The implementation of alternative sanctions often requires collaboration between the judiciary, law enforcement agencies, social welfare organizations, and local administrative bodies. Legal analyses note that institutional fragmentation and bureaucratic barriers frequently impede such coordination (Nouri, 2022). In the absence of clear protocols and communication channels, the execution of non-custodial sanctions becomes uneven and unpredictable, discouraging judicial reliance on these measures.

The role of executive institutions is particularly significant in managing sanctions such as community service, treatment programs, and electronic monitoring. Scholars emphasize that when executive agencies lack the capacity or mandate to support these sanctions effectively, the judiciary's efforts to implement penal moderation are undermined (Alavi, 2018). This disconnect between legislative ambition and administrative capacity illustrates the importance of integrated policy planning in criminal justice reform.

Institutional challenges also extend to prison organization and post-sentence management. Although the law seeks to reduce reliance on imprisonment, its implementation has direct implications for prison administration, particularly in managing the transition toward de-incarceration. Studies of prison systems indicate that sudden changes in sentencing patterns can strain administrative processes, especially when release mechanisms and post-release support structures are underdeveloped (Goldouzian, 2022). Prison authorities must adapt to fluctuating inmate populations while maintaining security, rehabilitation programs, and reintegration services.

The transitional management of released offenders represents a critical yet often overlooked aspect of implementation. When individuals are released earlier or diverted from imprisonment due to the reform, effective reintegration requires coordinated support in areas such as employment, housing, and social services. Legal and sociological analyses suggest that insufficient post-release support increases the risk of recidivism and undermines public confidence in de-incarceration policies (Saeedi Abueshaghi et al., 2024). Without robust reintegration mechanisms, the benefits of reduced imprisonment may be offset by negative social outcomes.

Prison administration also faces challenges in recalibrating internal processes to align with the reform. For example, the classification of inmates, allocation of rehabilitation resources, and coordination with probation services must be adjusted to reflect changing sentencing patterns (Gerami, 2023). In practice, however, institutional inertia and resource constraints can delay or dilute these adjustments, limiting the systemic impact of the law.

From an administrative perspective, the law's implementation has highlighted the interconnectedness of sentencing reform and institutional capacity. Scholars argue that reducing imprisonment is not merely a matter of legislative change but requires comprehensive investment in administrative infrastructure and human resources (Ali Nasab & Bani Na'eimeh, 2022). The absence of such investment risks creating a gap between normative objectives and practical outcomes, where formal reduction in imprisonment does not translate into improved efficiency or justice.

The cumulative effect of these institutional and administrative challenges is a pattern of partial and uneven implementation. Structural limitations within the judiciary constrain the capacity of judges and prosecutors to embrace new sentencing paradigms, while weaknesses in supervisory and enforcement mechanisms undermine confidence in alternatives to imprisonment. At the same time, prison administration and post-sentence management systems struggle to adapt to the demands of de-incarceration, creating additional pressures on the criminal justice system.

These challenges underscore the importance of viewing the Law on the Reduction of Ta'zir Imprisonment as part of a broader institutional reform agenda rather than a standalone legislative initiative. Effective implementation requires coordinated efforts across judicial, executive, and administrative domains, supported by targeted training, organizational restructuring, and resource allocation. Without addressing these institutional dimensions, the law's potential to transform penal policy and practice remains constrained, reinforcing the need for comprehensive analysis of administrative capacity in evaluating criminal justice reforms.

6. Socio-Legal and Cultural Challenges

The implementation of the Law on the Reduction of Ta'zir Imprisonment is shaped not only by legal and institutional factors but also by broader socio-legal and cultural dynamics that influence how penal reforms are perceived, accepted, and operationalized. Criminal law functions within a social environment in which public attitudes toward punishment, victim expectations, and criminological beliefs play a decisive role in shaping judicial behavior and policy outcomes. Scholars emphasize that reforms aimed at reducing imprisonment often encounter resistance when they conflict with deeply ingrained social norms regarding justice, deterrence, and moral order (Ali Nasab & Bani Na'eimeh, 2022). In the Iranian context, these socio-legal dynamics present significant challenges to the effective realization of penal moderation.

Public perceptions of penal leniency constitute one of the most influential socio-cultural obstacles to the implementation of reduced imprisonment policies. For many segments of society, imprisonment remains the most visible and symbolically powerful response to criminal behavior. Sociological analyses indicate that public expectations of punishment severity are closely linked to perceptions of state authority and social control, particularly in relation to ta'zir crimes that are perceived as threats to public order or moral values (Alavi, 2018). When legislative reforms reduce custodial sanctions, they may be interpreted by the public as a retreat from firmness or a weakening of deterrence, regardless of the empirical effectiveness of alternative measures.

These expectations exert indirect but substantial pressure on judicial decision-making. Judges, as public officials operating within a social context, are sensitive to societal reactions and concerns about legitimacy. Studies examining judicial attitudes reveal that fear of public criticism or accusations of leniency can influence sentencing choices, particularly in high-profile cases (Goldouzian, 2022). As a result, even when legal provisions authorize reduced imprisonment, judges may be reluctant to

apply them if they anticipate negative public response. This dynamic underscores the importance of public perception in shaping the practical impact of penal reforms.

Media narratives play a central role in constructing and amplifying public perceptions of penal leniency. Coverage of criminal cases often emphasizes individual incidents rather than systemic patterns, portraying alternative sanctions as inadequate responses to wrongdoing (Karizaki, 2020). Such narratives can create a distorted understanding of the objectives and mechanisms of penal moderation, framing it as undue softness rather than a rational policy choice. Scholars note that sensationalist reporting on crimes committed by individuals released under alternative sanctions can disproportionately influence public opinion, reinforcing skepticism toward de-incarceration (Koushki & Zandi, 2023).

The interaction between media narratives and public trust in the criminal justice system further complicates implementation. Public trust is contingent on perceptions of fairness, effectiveness, and transparency. When reforms are poorly communicated or inadequately explained, they may erode confidence rather than enhance it (Ali Nasab & Bani Na'eimeh, 2022). In the absence of sustained public education regarding the rationale and safeguards of the Law on the Reduction of Ta'zir Imprisonment, media-driven narratives can dominate discourse, undermining societal acceptance of non-custodial sanctions.

Victim satisfaction and restorative justice deficits represent another critical socio-legal challenge. Criminal justice reforms that focus primarily on reducing imprisonment risk marginalizing victims' interests if they do not incorporate mechanisms for meaningful participation and compensation. Legal analyses emphasize that victims often equate justice with visible punishment, particularly in cases involving personal harm or financial loss (Nouri, 2022). When imprisonment is reduced or replaced with alternative sanctions, victims may perceive that their suffering has not been adequately acknowledged or addressed.

Victim participation in the sentencing process remains limited within the Iranian criminal justice system, despite legislative provisions that allow for reconciliation and victim consent in certain cases. Scholars argue that procedural barriers, lack of legal awareness, and cultural norms often restrict victims' ability to engage meaningfully in decisions affecting punishment (Ghamsari & Dehkani, 2024). This limitation becomes particularly salient under the reform law, which expands the category of compoundable crimes and emphasizes non-custodial resolutions. Without robust mechanisms to ensure informed and voluntary victim participation, such reforms may generate dissatisfaction and resistance.

Compensation and restorative mechanisms are essential for addressing victim concerns in a system that reduces reliance on imprisonment. Restorative justice principles emphasize repairing harm, restoring relationships, and involving all stakeholders in the resolution process. Comparative and jurisprudential studies highlight that Islamic criminal jurisprudence provides a strong foundation for restorative approaches, particularly within the ta'zir framework (Gholami & Aghaei Midi, 2013). However, the practical integration of restorative mechanisms into the implementation of the reform law has been limited, constraining its capacity to meet victim expectations.

Legal commentaries suggest that inadequate compensation schemes and weak enforcement of restitution orders undermine the perceived legitimacy of non-custodial sanctions (Goldouzian, 2022). When victims do not receive timely or adequate compensation, alternative sanctions may appear ineffective or unjust. This perception reinforces demands for imprisonment as a tangible form of redress, even when it does little to address victims' material or emotional needs. The absence of institutionalized restorative programs thus represents a missed opportunity to align penal moderation with victim-centered justice.

Criminological concerns further complicate societal acceptance of reduced imprisonment. Fear of recidivism is a recurrent theme in public and professional discourse surrounding de-incarceration. Studies indicate that many stakeholders, including judges, victims, and the general public, associate non-custodial sanctions with increased risk of reoffending (Imani et al., 2022). This belief persists despite empirical evidence suggesting that short-term imprisonment may be criminogenic rather than rehabilitative (Eimani et al., 2022). The persistence of recidivism fears reflects broader cultural assumptions about punishment and behavioral control.

These concerns are intensified by limitations in risk assessment practices within the criminal justice system. Effective de-incarceration requires reliable tools for assessing offender risk and tailoring sanctions accordingly. Legal analyses note that risk assessment in Iran remains largely informal and discretionary, relying on judicial intuition rather than standardized

instruments (Noorpour & Ahmadi, 2012). This lack of systematic assessment fuels uncertainty regarding the suitability of offenders for alternative sanctions, reinforcing skepticism toward reduced imprisonment.

The absence of transparent risk assessment mechanisms also affects public confidence. When decisions to reduce imprisonment appear arbitrary or insufficiently justified, they may be perceived as dangerous or irresponsible (Ali Nasab & Bani Na'eimeh, 2022). High-profile cases involving reoffending by individuals subject to alternative sanctions can further erode trust, even if such cases are statistically rare. This dynamic highlights the importance of evidence-based practices in supporting socio-legal acceptance of penal moderation.

Cultural attitudes toward punishment and morality further shape these criminological concerns. In societies where punishment is closely linked to moral condemnation, imprisonment serves as a visible affirmation of social norms. Reducing custodial sanctions may therefore be interpreted as moral relativism or tolerance of deviance (Alavi, 2018). Such interpretations can provoke resistance to reform, particularly in relation to ta'zir crimes that implicate moral or religious values. Addressing these cultural dimensions requires careful framing of penal moderation as consistent with, rather than opposed to, ethical and religious principles.

Scholars emphasize that Islamic jurisprudence offers conceptual resources for reconciling penal moderation with moral accountability, particularly through emphasis on correction, repentance, and social reintegration (Saeedi Abueshaghi et al., 2024). However, translating these principles into public discourse and legal practice remains a challenge. Without deliberate efforts to articulate the moral rationale for reducing imprisonment, reforms may be misunderstood or rejected at the societal level.

The interaction between socio-legal perceptions, victim expectations, and criminological beliefs illustrates the complexity of implementing the Law on the Reduction of Ta'zir Imprisonment. Legal change alone cannot alter deeply rooted cultural attitudes toward punishment. Instead, successful implementation requires a broader strategy that includes public education, victim-centered practices, and evidence-based risk management. Scholars argue that neglecting these socio-cultural dimensions risks entrenching resistance and limiting the reform's long-term impact (Goldouzian, 2022).

Ultimately, socio-legal and cultural challenges represent a critical frontier for penal reform in Iran. Public perceptions of leniency, deficits in victim satisfaction, and fears of recidivism interact to shape the environment in which judicial and institutional actors operate. Understanding these dynamics is essential for evaluating the real-world effectiveness of reduced imprisonment policies and for designing complementary measures that enhance legitimacy, trust, and social acceptance. Without addressing these challenges, the promise of penal moderation embedded in the Law on the Reduction of Ta'zir Imprisonment is unlikely to be fully realized.

7. Conclusion

The enactment of the Law on the Reduction of Ta'zir Imprisonment represents a significant moment in the evolution of Iranian criminal policy, signaling a formal shift away from the long-standing dominance of custodial sanctions toward a more balanced and rational approach to punishment. As this study has demonstrated, however, the transformative potential of this reform cannot be assessed solely through its legislative text. The law operates within a complex legal, institutional, and socio-cultural environment that profoundly shapes how its objectives are interpreted and realized in practice. The analysis of implementation challenges reveals that reducing imprisonment is not merely a technical adjustment in sentencing ranges but a multidimensional reform that requires coherence across normative frameworks, judicial practice, institutional capacity, and social expectations.

At the normative level, the reform confronts structural weaknesses rooted in legislative ambiguity and fragmentation. Indeterminate legal concepts, overlapping provisions, and unresolved tensions between the reform law and pre-existing criminal statutes have generated uncertainty in interpretation and application. These ambiguities weaken legal predictability and limit the law's ability to guide judicial behavior consistently. Without clearer legislative harmonization and more precise normative standards, judicial discretion operates in an environment of uncertainty, increasing the likelihood that traditional punitive patterns will persist despite reformist intent.

Judicial challenges further illustrate the gap between legislative ambition and practical implementation. Divergent interpretations of the law, shaped by individual judicial philosophies and the absence of binding precedent, have produced uneven sentencing practices across courts. Resistance to non-custodial sanctions reflects not only skepticism about their effectiveness but also deeply embedded professional norms that associate punishment severity with custodial confinement. Procedural pressures, including high caseloads and limited time for individualized sentencing analysis, further incentivize reliance on familiar custodial sanctions rather than engagement with more complex alternative measures. These factors collectively constrain the judiciary's capacity to function as an engine of penal moderation.

Institutional and administrative limitations constitute another critical layer of challenge. The shift toward reduced imprisonment presupposes a judiciary equipped with appropriate training, specialized support structures, and effective coordination mechanisms. In practice, deficits in professional training, the absence of specialized sentencing units, and weak supervisory infrastructures undermine confidence in non-custodial sanctions. The limited capacity to monitor compliance, enforce alternative measures, and manage inter-institutional cooperation diminishes the credibility of de-incarceration policies. At the same time, prison administration and post-sentence management systems face difficulties in adapting to changing sentencing patterns, particularly in ensuring effective reintegration of released offenders. These institutional constraints highlight the interdependence of sentencing reform and administrative capacity.

Socio-legal and cultural dynamics further complicate the implementation landscape. Public expectations of punishment severity, reinforced by media narratives and moral conceptions of justice, exert subtle but powerful pressure on judicial decision-making. Reduced imprisonment is often interpreted as leniency rather than as a rational policy choice aimed at enhancing effectiveness and proportionality. Victim dissatisfaction and limited access to restorative mechanisms exacerbate resistance to non-custodial sanctions, particularly when compensation and participation mechanisms are weak. Criminological concerns regarding recidivism, coupled with the absence of transparent risk assessment tools, reinforce skepticism toward alternatives to imprisonment and undermine public trust in reform outcomes.

Taken together, these challenges underscore a central conclusion of this study: the effectiveness of the Law on the Reduction of Ta'zir Imprisonment depends on the alignment of legal norms, institutional structures, judicial culture, and social perceptions. Legislative reform alone is insufficient to alter entrenched punitive practices. Without complementary measures that address interpretive clarity, judicial training, institutional coordination, and public engagement, the law risks remaining a symbolic gesture rather than a catalyst for substantive change.

At the same time, the analysis does not suggest that the reform is inherently flawed or unworkable. On the contrary, the law reflects an important recognition of the limitations of excessive imprisonment and an implicit commitment to proportionality, efficiency, and human dignity within the criminal justice system. Its challenges should therefore be understood as indicators of the depth and complexity of penal reform rather than as evidence of failure. Addressing these challenges requires a long-term and integrated strategy that extends beyond the judiciary to encompass legislative refinement, administrative investment, and cultural dialogue.

Ultimately, the experience of implementing the Law on the Reduction of Ta'zir Imprisonment illustrates a broader lesson about criminal justice reform: meaningful change occurs not at the moment of enactment but through sustained engagement with the institutions and communities that give law its practical meaning. By illuminating the normative, judicial, institutional, and socio-cultural obstacles that shape implementation, this study contributes to a more realistic and nuanced understanding of penal moderation in Iran. Such understanding is essential for guiding future reforms and for ensuring that the pursuit of reduced imprisonment translates into a more just, effective, and socially legitimate criminal justice system.

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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