

Rethinking Cultural Criminology and Its Application to Crime Prevention in Multiethnic Societies

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Abstract

Cultural criminology, as a contemporary approach to the study of crime, emphasizes the role of meanings, symbols, and cultural contexts in the formation of criminal behavior and societal responses to it. By critiquing purely technical and situational approaches, it reconceptualizes preventive strategies within the framework of social safety. This study aimed to reconsider the theoretical foundations of cultural criminology and examine its application to crime prevention in the multiethnic societies of Iran and Afghanistan. The research employed a comparative descriptive-analytical method. The findings indicate that, despite the cultural and religious commonalities between the two countries, significant structural differences exist in their legal systems and criminal policies. In Iran, the legal system, which is grounded in Imami Shi'i jurisprudence and adopts an affirmative approach toward Sharia, has contributed to centralization and cultural homogenization. In Afghanistan, by contrast, the Constitution, through its restrictive approach toward Sharia and its reference to Hanafi jurisprudence, has provided greater scope for flexibility and accommodation of tribal customs. In the field of crime prevention, both countries face serious challenges: Iran confronts tensions between centralized criminal policy and cultural pluralism, whereas Afghanistan faces fragmentation in law enforcement arising from normative pluralism. Moreover, the substantial presence of the Afghan migrant population in Iran further reinforces the need to reconsider existing preventive approaches. Ultimately, the effective application of cultural criminology in both countries requires a transition from predominantly punitive approaches toward an approach based on social safety, multicultural sensitivity, the strengthening of informal social control, and the utilization of the capacities of religious institutions and customary dispute-resolution systems.

Keywords: cultural criminology, crime prevention, multiethnic societies, social safety, multicultural sensitivity, Hanafi jurisprudence, Imami Shi'i jurisprudence.

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1. Introduction

Cultural criminology is a relatively recent approach in crime studies that emerged in the mid-1990s. Its fundamental premise is that the phenomenon of crime and the mechanisms developed for its control cannot be understood independently of the cultural context in which they occur. This approach regards crime and the institutions responsible for controlling it as “cultural

constructions” or “creative products” that must be interpreted through the meanings and symbols embedded within them. In contrast to traditional criminological perspectives, which focus primarily on statistical, situational, and actor-centered causes, cultural criminology emphasizes the “phenomenological experience” of crime and places emotions such as anger, humiliation, excitement, and fear at the center of its analysis (Nari et al., 2023).

The significance of cultural criminology becomes substantially greater in multiethnic societies because the diversity of values, norms, and lifestyles in such contexts makes both the understanding of crime and responses to it considerably more complex. Purely technical and situational crime-prevention methods—based on environmental design, surveillance, and policing measures—may prove ineffective in such settings, because disregarding the cultural and symbolic meanings of actions not only undermines the effectiveness of preventive interventions but may also contribute to the marginalization and exclusion of ethnic groups (Arab et al., 2021). The principal issue addressed in the present study is the reconsideration of the theoretical foundations of cultural criminology and the examination of its application to crime prevention in the two multiethnic countries of Iran and Afghanistan. Despite their profound cultural, linguistic, and religious commonalities, these two countries have followed different paths in the formulation of criminal policies and the management of ethnic diversity. In Iran, the legal system is grounded in Imami Shi‘i jurisprudence and a constitutional framework in which Sharia is regarded not as a subsidiary source but as a principal source of criminalization and punishment. This structure, coupled with political and cultural centralization, has resulted in extensive criminalization in moral and social domains and has constrained the flexibility of the criminal justice system. By contrast, Afghanistan, with its pluralistic and historically unstable political and legal structure, has developed a hybrid system in which Hanafi jurisprudence, tribal custom, and modern legislation interact with one another. The Constitution of Afghanistan recognized Sharia through a negative or non-contradiction formula and, in the absence of codified law, referred to Hanafi jurisprudence, thereby providing greater scope for flexibility and considerations of expediency.

The importance of this study can be explained from several perspectives. First, despite civilizational commonalities and geographic proximity, comparative examination of the criminal and cultural policies of these two countries in relation to crime prevention in multiethnic societies has received relatively little serious scholarly attention. Second, the substantial Afghan migrant population in Iran, together with domestic ethnic diversity in both countries, intensifies the need to reconsider existing preventive approaches. Evidence indicates that discrimination and negative stereotypes toward Afghan migrants in Iran have contributed to an atmosphere of exclusion and alienation that may itself create criminogenic pressures. Field reports indicate discriminatory conduct, humiliating remarks, and even violent treatment of Afghan nationals, phenomena that are not only inconsistent with legal and ethical standards but also constitute threats to social cohesion and sustainable security.

Prevailing crime-prevention approaches in Iran and Afghanistan have largely concentrated on policing, surveillance, and environmental design, while insufficient attention has been given to the decisive role of culture, identity, and shared meanings in either reducing or increasing offending. Cultural criminology, however, demonstrates how collective representations of crime and insecurity, as well as the manner in which ethnic groups are represented in media and public discourse, shape citizens’ perceptions of security and influence their behavior. In particular, research in multicultural societies has demonstrated that host societies characterized by multicultural acculturation orientations can contribute to reducing migrant crime through two pathways: first, by strengthening informal social control through the formation of stronger social bonds; and second, by reducing criminogenic pressures through diminished discrimination and social exclusion.

The principal research questions are as follows: (1) What factors have shaped systems of criminalization and crime prevention in Iran and Afghanistan, and how can these factors be explained through the cultural criminology perspective? (2) How has ethnic and cultural diversity in both countries affected the implementation of preventive approaches, and what obstacles impede the application of a multicultural approach to crime prevention? (3) How can the existing capacities of the legal and cultural systems of both countries be utilized to facilitate a transition from exclusively punitive and security-oriented approaches toward an approach based on social safety and multicultural sensitivity?

Answering these questions can contribute to redefining criminal policies in both countries and provide operational strategies for crime prevention in multiethnic societies. In Iran, such an approach may contribute to reducing ethnic tensions and increasing the social participation of diverse groups, while in Afghanistan it may facilitate greater coherence among diverse normative systems and strengthen social cohesion at the national level. Particularly in light of recent humanitarian and migration crises, attention to culturally grounded and socially cohesive approaches will play a key role in safety management and the reduction of social harms. Drawing on the theoretical framework of cultural criminology and employing a comparative

method, the present study seeks to demonstrate how reconsidering the cultural foundations of crime prevention can contribute to reducing offending and enhancing security in the multiethnic societies of Iran and Afghanistan, while also providing a basis for evidence-informed criminal policymaking and future research in comparative and culturally oriented criminology.

2. Theoretical Foundations

Cultural criminology, as the principal theoretical framework of this study, is an interdisciplinary approach that examines crime and its control within the context of culture and argues that crime and institutions of social control are cultural products or creative constructions that must be interpreted through the meanings embedded within them (Foroutan, 2019). Rooted in interactionist sociology, critical theory, and cultural studies, this approach critiques traditional criminology for its emphasis on statistical and situational causes of crime and instead stresses the symbolic, semantic, and experiential dimensions of criminal phenomena (Rayejian Asli et al., 2023). Cultural criminology seeks to connect the phenomenology of contemporary transgression with sociological analyses of late-modern culture and thereby provide a more dynamic and realistic account of crime and social reactions to it (Shahpourjani, 2017). This intellectual tradition has roots in two major schools of thought: the interactionist sociology of the Chicago School and British critical theorizing. It seeks to connect criminology with contemporary social and cultural transformations and to provide a postmodern or late-modern interpretation of crime and control (O'Neill et al., 2021).

One of the central concepts in cultural criminology is attention to the lived experience of crime and control. In other words, unlike administrative criminology, which often confines itself to abstract and technocratic texts, this approach emphasizes the phenomenological experience of crime, victimization, and punishment (Naserian, 2023) and focuses on emotions such as anger, humiliation, passion, excitement, and fear. This perspective is particularly significant in the study of multiethnic societies, where different groups may have substantially different experiences of the criminal justice system and mechanisms of social control (Zatz & Rodriguez, 2022). Cultural criminology demonstrates how processes of criminalization and labeling are not merely reflections of legal norms but are also manifestations of power relations, cultural hegemony, and identity-based conflicts within society.

Cultural criminology emphasizes qualitative and interpretive approaches (Copes et al., 2020) and employs methods such as ethnography, textual and media analysis, and cultural studies to understand meanings embedded in criminal behavior and control responses. Inspired by the Chicago School and the British tradition of critical criminology, this approach emphasizes the importance of fieldwork and participant observation within specific sociocultural contexts. Media analysis also assumes particular importance because the media, as one of the principal arenas for producing and reproducing collective representations of crime and insecurity, play a key role in shaping public perceptions and criminal policymaking (Muzzatti et al., 2023).

The concept of fear of crime has been reconceptualized within cultural criminology. It is no longer understood merely as a situational or localized concern; rather, it is regarded as a major social issue and a characteristic of contemporary culture rooted in cultural and political transformations in responses to crime. In other words, citizens' perceptions of urban insecurity are shaped less by factual information regarding crime rates than by collective representations and culturally mediated experiences constructed through media, public discourse, and everyday interactions. This insight is particularly important in multiethnic societies, where the representation of ethnic groups in the media is frequently accompanied by stereotypes and negative prejudices and therefore plays a crucial role in understanding crime and responses to it (Amirian Farsani, 2026).

In the field of criminal policymaking, cultural criminology critiques purely technical and situational approaches to crime prevention and emphasizes the role of meanings, symbols, and cultural contexts in the formation of criminal behavior and societal responses to it. By criticizing forms of urban planning that result in the segregation of different social groups, this approach stresses the importance of human and social contexts and reconceptualizes preventive strategies within the framework of social safety. The social-safety approach, grounded in cultural criminology, proposes a fundamental shift in the conceptualization of security from situational prevention toward the safety and security of society as a whole (Ferrell & de Pádua, 2020).

For a comparative study of Iran and Afghanistan, understanding the normative systems of the two countries from the perspective of cultural criminology is essential. In Iran, the legal system is based on Imami Shi'i jurisprudence and a

constitutional framework that recognizes Sharia as a principal source of criminalization and punishment (Mirzaei et al., 2022). Combined with political and cultural centralization, this structure has resulted in extensive criminalization in moral and social domains and has limited institutional flexibility. By contrast, the Constitution of Afghanistan recognized Sharia through a negative formulation, requiring non-contradiction with Islamic principles, and in the absence of codified law referred to Hanafi jurisprudence, which, through its emphasis on judicial discretion and equity, provides greater capacity for flexibility and accommodation of tribal customs (Sadr Tohidkhaneh, 2016).

The role of custom and tribal traditions also differs considerably between the two countries. In Afghanistan, customary systems such as the *jirga* play a central role in dispute resolution and the determination of sanctions, contributing to normative pluralism and diversity in criminal-policy practices (Najafi & Jahantigh, 2018). In Iran, custom occupies a marginal position within the centralized legal system, and criminal policy is largely determined by religious-state institutions. These differences demonstrate that understanding crime and its prevention in both countries requires a cultural analysis attentive to the complex interaction among jurisprudence, custom, modern law, and sociopolitical structures.

3. Ethnic Structure and Cultural Diversity

Afghanistan, as one of the most ethnically diverse societies in the region, has a population comprising numerous ethnic and linguistic groups, including Pashtuns, Tajiks, Hazaras, Uzbeks, Aimaqs, Turkmens, Baloch, Pashai, Nuristanis, Gujars, Arabs, Brahui, Qizilbash, Pamiris, Kyrgyz, Sayyids, Mughals, Sikhs, and others (Nourmohammadi & Ahmadi, 2023). Afghanistan's former national anthem and Constitution referred to fourteen ethnic groups. Tribal identity has historically held considerable significance among Afghanistan's ethnic communities (Yazdanpanah & Ahmadi, 2021). According to available estimates, Afghanistan's population in 2018 was approximately 31.6 million (Nazari et al., 2023; Norouzi & Nazifi, 2022). Given the absence of official and up-to-date statistics regarding the ethnic composition of Afghanistan's population, precise ethnic percentages must be treated with scientific caution. Various estimates place Pashtuns at approximately 40–47%, Tajiks at approximately 25–37%, Hazaras at approximately 9–16%, and Uzbeks at approximately 6–14%. In addition, groups such as Turkmens, Baloch, Aimaqs, Nuristanis, Pashai, Arabs, Qizilbash, and other ethnic communities are also represented within Afghanistan's population structure. Accordingly, in the present study, these figures are used solely as demographic estimates rather than definitive statistics.

Iran, by contrast, also exhibits considerable ethnic diversity, including Persians, Turks, Kurds, Lurs, Baloch, Turkmens, Arabs, and other groups. Nevertheless, the principal difference between the two countries lies in the manner in which such ethnic diversity has been managed (Mahmoudi et al., 2019). In Iran, the centralized political and legal system, relying on a unified national-religious identity, has pursued cultural homogenization and the incorporation of ethnic groups into the broader national structure. In Afghanistan, however, because of historical instability and tribal structures, the political-legal system has been unable to establish a successful model for managing ethnic pluralism, and such diversity has itself become a source of internal conflict (Heydari et al., 2024).

4. Normative Systems and Crime Prevention

In the area of normative systems and criminal policy, profound structural differences exist between the two countries. Iranian criminal policy is based on Imami Shi'i jurisprudence and the Constitution, which recognize Sharia as a principal source of criminalization and punishment and, together with political and cultural centralization, have resulted in extensive criminalization in moral and social domains (Mousavifar & Khosravi, 2022). By contrast, the 2004 Constitution of Afghanistan adopted a different approach. Under its provisions, Sharia was recognized in a negative framework; Article 3 merely stipulated that no law in Afghanistan could contravene the beliefs and provisions of the sacred religion of Islam, without designating a particular school of jurisprudence as the official state doctrine (Shaban Nia Mansour, 2024). This negative approach, unlike an affirmative model in which Sharia serves as a direct source of legislation, allowed broader scope for positive lawmaking. Article 130 of the Constitution of Afghanistan expressly provided that where no provision existed in the Constitution or other laws for a case under consideration, the courts should apply the principles of Hanafi jurisprudence, within

the limits established by the Constitution, in a manner that would best secure justice. This reference to Hanafi jurisprudence in cases of legal lacunae and as a supplementary source illustrates the flexibility of Afghanistan's legal system and its capacity to adapt to changing social circumstances (Gorji Azandariani & Fathi, 2015).

Hanafi jurisprudence, as one of the oldest and most widespread Sunni schools of Islamic jurisprudence, is characterized by extensive but moderate use of analogical reasoning and rationality, attention to *istihsan*, and recognition of custom as a source of legal reasoning, thereby providing considerable capacity for adaptation to social transformations and accommodation of local customary systems (Yousefi Masri et al., 2023). In Hanafi jurisprudence, custom is recognized as a valid source of legal reasoning and, provided that it does not conflict with an explicit religious text, may be used in regulating contracts, transactions, and social matters. This feature distinguishes Hanafi jurisprudence from other jurisprudential schools in terms of flexibility and compatibility with tribal customs. In Afghanistan's legal system, which is characterized by extensive ethnic and tribal diversity, this Hanafi capacity to recognize custom and considerations of public interest makes it possible to coordinate the formal legal system with local customary systems, such as *jirgas* and tribal councils. Article 131 of the Constitution further complemented this flexibility by recognizing Ja'fari jurisprudence for Shi'a citizens in matters of personal status, effectively creating a legal system in which jurisprudential and customary pluralism could be regarded not as an obstacle to justice but as a resource for responding to the diverse needs of Afghan society. Customary and tribal institutions in Afghanistan, such as *jirgas*, play a central role in dispute resolution and the determination of sanctions (Bagheri, 2024). Rooted in tribal traditions, these systems function in many areas, particularly remote regions, as alternatives to the formal criminal justice system. By contrast, custom has only a marginal role in Iran's centralized legal system, and criminal policy is largely determined by religious-state institutions. This difference in normative structure has generated two distinct models of social control and crime prevention (Amini, 2022).

5. The Role of Religious Institutions in Crime Prevention

Religious institutions in both Iran and Afghanistan possess deeply rooted and influential positions within public culture, making them key actors in the field of crime prevention (Parsa et al., 2023). Comparative studies indicate that in Afghanistan, because of widespread adherence to religious teachings and the profound influence of religious institutions across different layers of society, these institutions possess considerable capacity to contribute to reducing crime and social harm. Religious institutions in both countries—including mosques, seminaries, religious associations, and institutions responsible for enjoining good and forbidding wrong—can play fundamental roles at different levels of prevention, including social, individual, and situational prevention (Abolghasemi & Habibi Tabar, 2023; Kariminia & Fasihi, 2022). Through promoting Islamic culture, explaining religious rules, strengthening commitment to religious practices, and increasing religious awareness, these institutions can function as a cultural shield against deviance and criminal behavior and can help prevent both potential and actual offending (Nikroush Rostami, 2019).

For example, in North Khorasan Province in Iran, a memorandum of understanding was concluded between the judiciary and Sunni religious scholars to reduce social harms such as addiction, divorce, and violent crime, emphasizing the role of mosques and religious pulpits in public awareness. Similarly, in Razavi Khorasan Province, dispute-resolution committees affiliated with religious associations and supported by the judiciary operate as a successful model for promoting reconciliation and reducing the inflow of cases into the courts. Moreover, the influence of religious institutions is significant not only in primary crime prevention but also in preventing recidivism and multiple offending. In Afghanistan, for example, institutions responsible for enjoining good and forbidding wrong, in cooperation with religious scholars and tribal elders, resolve dozens of tribal and family disputes each week on the basis of Islamic principles, thereby preventing such disputes from developing into formal legal cases and more serious offenses. In Iranian seminaries, emphasis has similarly been placed on establishing reconciliation councils in mosques and neighborhoods in order to resolve disputes before they enter the courts, given that judges alone cannot adequately address the emotional and cultural dimensions of family problems. These examples demonstrate that religious institutions, by relying on their social capital and cultural legitimacy, can serve as a bridge between the formal criminal justice system and society and, particularly in multiethnic societies such as Iran and Afghanistan, can play an irreplaceable role in creating sustainable security and preventing crime while taking jurisprudential and customary diversity into account.

6. Differences in Crime Patterns and Control Responses

Comparative studies in the field of criminal policy indicate that differences between the two countries across the four principal dimensions of criminal policy—legislative, judicial, executive, and participatory—are substantially greater than their similarities (Ahangari Naneh Karan et al., 2021; Salimi & Kadkhodaei, 2015). For example, in relation to drug offenses, with which both countries are deeply affected, Iran has adopted a strict and punitive approach, to the extent that drug offenders constitute a substantial proportion of its prison population. Afghanistan, meanwhile, having long been described as one of the world's largest producers of illicit narcotics, has more than four million people involved in various drug-related activities, while preventive approaches are confronted by numerous structural challenges (Moradi, 2021). Accordingly, studies have emphasized the need to formulate a regional program within the framework of a shared criminal policy based on harmonization.

With respect to the subject of the present study, numerous domestic and international studies were reviewed. Ghaderi et al. demonstrated that smart urban governance, through the use of artificial intelligence and sensor networks, has opened new horizons for crime prevention while emphasizing social dimensions and citizen participation (Ghaderi et al., 2026). Karami likewise emphasized the economic efficiency of preventive interventions in comparison with punishment (Karami, 2023). Regarding the influence of media, Karami Naghibi et al. identified two principal pathways of impact: on the one hand, the representation of crime can contribute to the normalization of criminality and the spread of violence; on the other hand, the production of moral fear within the framework of cultural criminology may itself operate as a criminogenic factor (Karami Naghibi et al., 2022). At the same time, the media can contribute effectively to crime reduction through public education and awareness-raising. Tavassoli et al., in a comparative study of Iran and the United Arab Emirates, also demonstrated that modern registration systems employing digital technologies such as biometrics and national smart identity cards can reduce or eliminate legal disputes and contribute to crime prevention (Tavassoli et al., 2021).

Bui examined the ambiguity surrounding the concept of culture in criminological research and showed that its application often reflects Western-centric bias, with unequal meanings of culture being attributed to different social groups (Bui, 2024). Chancer, in a comprehensive review of cultural criminology, examined its early definitions and historical development, emphasized the importance of studying emotion and rationality simultaneously, and identified four major criticisms of the approach: theoretical ambiguity, insufficient attention to class and structural factors, neglect of gender, and an excessive prioritization of symbolic interactionism over Freudian psychosocial concepts (Chancer, 2024).

Faisal et al., in a study of the Indonesian legal system, demonstrated that the transition from colonial laws to a modern framework aligned with indigenous sociocultural values strengthens substantive justice and increases the flexibility of the legal system in the reform process (Faisal et al., 2024). Hörnle likewise argues that cultural diversity and its effects on law and judicial practice may be analyzed from descriptive, comparative, and normative perspectives and emphasizes that sociology of law, anthropology, and criminology should examine the effects of cultural diversity on criminal behavior, culturally based justifications, and criminal justice responses, including the severity of punishment (Hörnle, 2021).

Despite the theoretical richness and diversity of international research on cultural criminology, as well as scattered domestic studies on the role of media, emerging technologies, and electronic registration in crime prevention, the existing literature has clearly neglected a systematic, evidence-based comparative examination of Iran and Afghanistan through the lens of cultural criminology, with particular emphasis on the role of different jurisprudential systems—Imami Shi'i and Hanafi—and customary normative structures, such as jirgas in Afghanistan and reconciliation councils in Iran, in shaping preventive policies. Previous studies have also largely confined themselves to theoretical descriptions of cultural criminology and have rarely addressed its operational implications for the management of migrant populations and marginalized ethnic groups. Yet the substantial Afghan migrant population in Iran and the criminogenic challenges associated with social exclusion intensify the need to reconsider preventive approaches. The innovation of the present study lies in undertaking, for the first time, an in-depth comparative analysis of the normative systems and criminal policies of the two countries within the framework of cultural criminology and demonstrating how two different interpretations of Sharia have produced two distinct models of social control and prevention. Furthermore, by emphasizing the indigenous capacities of religious institutions and customary dispute-resolution systems, the study proposes an operational framework for moving beyond exclusively punitive and security-oriented

approaches toward multicultural social safety and, in particular, advances strategies based on social cohesion and informal control for managing migrant populations and reducing criminogenic pressures in both countries.

7. Research Findings

In Iranian criminal policy, the legal structure is designed on the basis of Imami Shi'i jurisprudence and the Constitution, within which Sharia functions not as a supplementary source but as the principal source of criminalization and punishment. This approach, combined with intense political and cultural centralization, has placed a broad range of moral and social conduct within the scope of penal intervention and has consequently restricted the flexibility of the judicial system in responding to social change and spatiotemporal requirements. Judges therefore have relatively limited capacity to modify or broadly interpret criminal rules, and the criminal justice apparatus is primarily focused on the explicit application of jurisprudential texts. By contrast, Afghanistan's 2004 Constitution, prior to recent political changes, recognized Sharia through a negative formulation, as a requirement that legislation not conflict with Islamic principles, and in cases of legal lacunae referred to Hanafi jurisprudence. Because Hanafi jurisprudence places greater emphasis on judicial discretion, *istihsan*, and equity, it afforded judges greater flexibility to make context-sensitive decisions in light of customary norms, tribal traditions, and local conditions. This fundamental difference in the manner of referring to Sharia and in the role of the judge has meant that Iranian criminal policy, through a rigid and predetermined framework, emphasizes the comprehensiveness and universality of punishment, whereas the Afghan system, through a more case-specific and situational approach, has permitted greater accommodation of diverse social realities and indigenous norms. Although religious foundations constitute a central commonality between the two countries, differences in interpretation, judicial discretion, and the relationship between Sharia and positive law have generated distinct trajectories in criminalization, prevention, and punishment.

The findings of this study indicate that religion functions as a fundamental legitimizing pillar of criminal policy in both Iran and Afghanistan, although its function and mode of institutional presence within political power and legal structures have produced two markedly different trajectories. In Iran, religion operates as a centralizing and norm-producing force that, through its organic relationship with the state and the comprehensive integration of jurisprudential teachings into positive law, directly transforms religious rules into binding penal commands. This process has enhanced the symbolic unity and coherence of the legal system but has simultaneously and substantially restricted flexibility because of a predominant reluctance toward expansive interpretation and change. This is particularly evident in domains such as morality offenses and crimes against public decency, where contemporary social pressures and cultural transformations may conflict with fixed jurisprudential rules, leaving the criminal justice system with limited capacity for reconsideration or modification and judges with little opportunity to depart from predetermined frameworks. In Afghanistan, by contrast, religion has assumed a more pluralistic and mediating function. Rather than imposing a uniform and closed system of norms, it has created a dialogical space among Sharia, codified law, and tribal customs. Within this model, Islamic norms operate not solely as rigid and definitive rules but also as shared moral vocabularies and general frames of reference that preserve religious legitimacy while allowing judges and local institutions to resolve disputes in ways compatible with social context and local requirements through mechanisms such as judicial discretion, *istihsan*, and custom. This functional difference has led the Iranian system to prioritize normative order and symbolic integration at the cost of flexibility, whereas the Afghan system has relied more heavily on procedural and judicial adaptability, creating greater scope for accommodation of ethnic, tribal, and cultural diversity, although religion continues in both systems to define fundamental limits as the ultimate source of legitimacy.

In the field of crime prevention, the study indicates that Iranian criminal policy faces serious challenges in engaging with the propositions of cultural criminology. The characteristics of the authoritarian model of Iranian criminal policy, which seeks broad social homogenization regarding concepts of crime and deviance, conflict with the cultural and subcultural pluralism present in Iranian society. Securitization, the growing distance between official culture and informal culture, the emergence of new subcultures, and the development of new forms of individual and social lifestyles are among the principal challenges confronting Iranian criminal policy in its engagement with cultural-criminological approaches. These challenges become more acute in multiethnic contexts where the diversity of values and norms is considerably greater.

In Afghanistan, the hybrid and historically unstable structure of the legal system has generated a different model of interaction among normative systems. Ethnic plurality and cultural diversity, together with institutional instability and the

dominance of customary tribal institutions such as jirgas in dispute resolution, have produced a legal system in which Hanafi jurisprudence, tribal custom, and modern legislation interact. Although this pluralism creates greater flexibility, it also contributes to fragmentation in law enforcement and inequality in responses to criminal conduct, thereby creating additional difficulties for crime prevention. Research indicates that while custom occupies a marginal position in Iran's centralized legal system, it performs a fundamental role in Afghanistan's pluralist system and, in many cases, substantially determines dispute-resolution outcomes.

Regarding challenges associated with migrant populations and multiethnic societies, the findings indicate that Iran hosts a substantial Afghan population, a situation associated with a broad range of social challenges, including increased exposure of migrants to both offending and victimization. Studies suggest that certain outdated and ineffective Iranian laws governing migration-related offenses may have had counterproductive effects and, rather than operating as effective deterrents, may have pushed migrants toward marginalization, heightened vulnerability to victimization, and grievance-driven behavior. From the perspective of ecological criminology, substantial cultural and economic differences affecting Afghan migrants residing in Iran, together with criminogenic instabilities associated with migrant life, constitute key factors contributing to heightened victimization and offending among this population.

In relation to criminal proceedings involving foreign nationals, the findings indicate that although foreign nationals in Iran formally enjoy rights such as access to trial, court-appointed counsel, and compensation of victims' blood money from the public treasury, the implementation of these rights with respect to undocumented migrants faces numerous challenges and, in some instances, may require a differentiated criminal-policy approach. This situation becomes particularly significant given that more than 8,000 foreign prisoners are reportedly held in Iranian prisons, most of whom are Afghan nationals, thereby further reinforcing the need to reconsider preventive approaches grounded in cultural criminology. The findings support the view that exclusively punitive and security-oriented approaches toward multiethnic societies are not only ineffective but may also intensify criminogenic pressures and contribute to further offending.

The most important finding of the present study is that, despite structural differences, both countries possess capacities for transitioning from exclusively punitive approaches toward restorative-justice models and culturally grounded prevention. Islamic jurisprudence in both Imami Shi'i and Hanafi traditions contains principles such as reconciliation, forgiveness, diya, and an emphasis on offender reform that can be operationalized through legal reform, the strengthening of civil institutions, and the promotion of restorative mechanisms. In Iran, despite political and legal centralization, capacities exist for recognizing cultural pluralism within criminal policy, which may be realized through reform of the criminal justice system and increased interaction between official cultural frameworks and informal subcultures. In Afghanistan, reliance on customary capacities and local dispute-resolution systems such as jirgas can support the development of indigenous crime-prevention models grounded in social cohesion and informal control.

The findings of this study indicate that the effective application of cultural criminology to crime prevention in the multiethnic societies of Iran and Afghanistan requires a transition from a purely technical and situational conception of crime toward an approach emphasizing the role of meanings, symbols, and cultural contexts in the formation of criminal behavior and societal responses to it. In Iran, this transition requires reconsideration of the centralized system of criminalization and the creation of greater space for cultural pluralism within criminal policy. In Afghanistan, the principal route toward implementing this approach lies in utilizing the existing capacities of customary systems and Hanafi jurisprudence to coordinate diverse normative systems and strengthen informal social control.

Although the findings reveal substantial theoretical potential within cultural criminology for redesigning preventive policies in multiethnic societies, the practical implementation of this approach faces fundamental challenges rooted in structural and epistemological tensions. The first and most important challenge is the conflict between the culturally pluralistic orientation of cultural criminology and the normative unitarianism prevailing within the legal systems of both countries. In Iran, a centralized criminal policy grounded in Imami Shi'i jurisprudence, because of extensive criminalization in moral and behavioral domains, leaves relatively little room for flexibility toward ethnic subcultures. In Afghanistan, despite the formal flexibility of the legal system, effective implementation of cultural criminology is obstructed by pluralism without institutional coherence and by the absence of effective mediating institutions capable of coordinating jurisprudential, customary, and modern normative systems. In other words, Afghanistan's hybrid legal system functions less as a coherent whole than as a collection of parallel and sometimes conflicting normative systems, each applying its own logic to crime prevention. This institutional fragmentation not

only impedes the development of a coordinated and evidence-based approach but may also render criminal justice outcomes dependent on ethnicity and the relative power of local groups.

Furthermore, despite its critical and phenomenological richness, cultural criminology remains considerably weaker in developing measurable indicators, testable causal models, and stepwise implementation strategies. This epistemological gap has frequently placed it in a minority and marginal position relative to the positivist and quantitative approaches of conventional criminology. Particularly in two countries where criminal-justice decision-making systems depend largely on measurable indicators—such as incarceration rates, numbers of cases, and police statistics—the absence of operational tools within cultural criminology risks reducing this perspective to a discourse with limited practical applicability.

8. Conclusion

The present study was conducted using a comparative descriptive-analytical method to reconsider the foundations of cultural criminology and examine its application to crime prevention in the multiethnic societies of Iran and Afghanistan. The findings demonstrated that, despite profound cultural, linguistic, and religious commonalities between the two countries, substantial structural differences exist in their legal systems and criminal policies, rooted in divergent approaches to Sharia, custom, and ethnic pluralism. In Iran, a legal system based on Imami Shi'i jurisprudence and an affirmative approach toward Sharia has contributed to centralization and cultural homogenization and has constrained the flexibility of the criminal justice system. By contrast, Afghanistan's 2004 Constitution, through its negative approach toward Sharia and its reference to Hanafi jurisprudence in situations of legal lacunae, created greater scope for flexibility, accommodation of tribal customs, and recognition of jurisprudential and customary pluralism.

Religion performs a central legitimizing role in criminal policy in both countries, but the manner in which this role is manifested differs fundamentally. In Iran, religion functions as a centralizing and relatively inflexible force that transforms religious norms into enforceable legal commands. In Afghanistan, by contrast, religion operates more as a pluralistic and mediating force, providing a shared moral vocabulary that connects modern law, Hanafi jurisprudence, and tribal custom. From the perspective of cultural criminology, these differences reflect two distinct models of social control and response to crime: a centralized and norm-producing model in Iran and a pluralistic and mediating model in Afghanistan.

In Iran, criminal policy is in tension with existing cultural and subcultural diversity, and securitization, the widening distance between official and informal culture, and the emergence of new lifestyles constitute major challenges for preventive approaches. In Afghanistan, ethnic plurality and cultural diversity, combined with institutional instability, have produced a system in which Hanafi jurisprudence, tribal custom, and modern law interact. Although this pluralism creates greater flexibility, it has also contributed to fragmented law enforcement and unequal responses to criminal conduct. Both countries must also address the challenges associated with the substantial Afghan migrant population in Iran, estimated at approximately 5 to 8 million people, where outdated and ineffective migration-related laws may intensify criminogenic pressures associated with marginalization, victimization, and social exclusion.

Both countries possess substantial capacities for such a transition. Islamic jurisprudence in both the Imami Shi'i and Hanafi traditions contains teachings related to reconciliation, forgiveness, diya, and offender reform that may be operationalized through legal reform, strengthened civil institutions, and restorative mechanisms. Religious institutions in both countries can likewise rely on their social capital and cultural legitimacy to act as bridges between formal criminal justice systems and society and, by recognizing jurisprudential and customary diversity, play a distinctive role in sustainable security and crime prevention. The findings further demonstrate that exclusively punitive and security-oriented approaches toward multiethnic societies are not only ineffective but may also reinforce criminogenic pressures and contribute to further offending.

The findings indicate that the effective application of cultural criminology to crime prevention in the multiethnic societies of Iran and Afghanistan requires a transition from purely technical and situational perspectives on crime toward an approach centered on the meanings, symbols, and cultural contexts involved in the formation of criminal behavior and social responses to it. In Iran, such a transition requires reconsideration of the centralized system of criminalization and the creation of greater space for cultural pluralism within criminal policy. In Afghanistan, the principal path lies in utilizing the capacities of customary systems and Hanafi jurisprudence to coordinate diverse normative systems and strengthen informal social control. Accordingly, criminal policymakers in both countries should draw on the insights of cultural criminology and the capacities of religious

institutions and customary dispute-resolution systems and, rather than relying exclusively on punitive and surveillance-based measures, should focus on strengthening social cohesion, citizen participation in urban planning, and the development of restorative-justice models grounded in indigenous culture, while creating the institutional conditions necessary for recognizing cultural pluralism within the sphere of criminal policy.

Ethical Considerations

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

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Conflict of Interest

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