

The Capacities of Participatory Criminal Policy in Addressing Public Protests in Iran: A Transition from Penal Control to Dialogue-Based Management

1. Mohsen Azami¹: Ph.D. Student, Department of Law, Na.C., Islamic Azad University, Najafabad, Iran

2. Mohsen Shekarchizadeh^{2*}: Department of Law, Na.C., Islamic Azad University, Najafabad, Iran

*Correspondence: mohsen.shekarchi@iau.ac.ir

Abstract

The present study aims to elucidate the capacities of participatory criminal policy for addressing public protests in Iran in a proportionate, lawful, and low-conflict manner. The central research question is the extent to which participatory criminal policy can facilitate a transition from a punitive and control-oriented model of response to a dialogue-based model for managing protests. Employing a descriptive-analytical method and drawing on legal documents, library-based sources, and relevant theoretical literature, the study examines these capacities at three levels: legal, institutional, and social. The findings indicate that peaceful protest, within the framework of constitutional rights, should not be regarded merely as a matter of law enforcement or national security; rather, it may constitute one of the mechanisms through which citizens participate in the public sphere and convey social demands to formal decision-making structures. From this perspective, participatory criminal policy, by mobilizing the capacities of civil society, professional and occupational associations, the media, political parties, academics, non-governmental organizations, and other intermediary institutions, can contribute to conflict mitigation, the early identification of sources of public discontent, social mediation, and the prevention of the excessive criminalization of protests. Nevertheless, the implementation of this model in Iran requires the resolution of legislative ambiguities concerning public assemblies and demonstrations, effective guarantees of due process and fair trial, a clear distinction between peaceful protest and criminal conduct, coordination among responsible institutions, appropriate training for law enforcement personnel, and the establishment of a legally secure environment for the activities of civil society organizations. Within this framework, Article 27 of the Constitution of the Islamic Republic of Iran can serve as an important legal basis for reinterpreting and reinforcing the right to hold peaceful assemblies and demonstrations.

Keywords: participatory criminal policy; public protests; right of assembly; dialogue-based management; civil society; social prevention; social mediation.

Received: 10 March 2026

Revised: 12 August 2026

Accepted: 19 August 2026

Initial Publication: 21 September 2026

Final Publication: 01 January 2027



Copyright: © 2027 by the authors. Published under the terms and conditions of Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0) License.

Citation: Azami, M., & Shekarchizadeh, M. (2027). The Capacities of Participatory Criminal Policy in Addressing Public Protests in Iran: A Transition from Penal Control to Dialogue-Based Management. *Legal Studies in Digital Age*, 6(1), 1-19.

1. Introduction

Public protests in contemporary societies, beyond their emotional and transitory manifestations, are regarded as expressions of social pluralism, civic dynamism, and channels through which public demands are conveyed to structures of power. From the perspectives of criminology and public law, responses to this phenomenon cannot be reduced to security decisions or purely law-enforcement measures, because such a reductionist approach disregards the communicative nature and critical function of protest within the “public sphere.” Indeed, the quality of a legal system’s response to citizens’ protest actions constitutes a fundamental criterion for assessing the balance between state authority and the protection of public freedoms. Accordingly, analyzing the legal dimensions of protests requires reconsideration of the relationship among fundamental human rights, mechanisms of civic participation, and patterns of state intervention in the management of social crises.

Article 27 of the Constitution of the Islamic Republic of Iran recognizes the right to hold assemblies and demonstrations subject to two conditions: “the absence of weapons” and “non-violation of the principles of Islam.” Recognition of this right indicates that the constitutional legislator did not regard peaceful protest as inherently disruptive of public order, but rather as a lawful channel for the expression of citizens’ will. Nevertheless, the challenging issue in the sphere of criminal policy is to delineate the boundary between the right to protest and the necessity of preserving public order and, consequently, to distinguish legitimate protest from criminal conduct. Certain acts, such as destruction of public property, assault and battery, threats, insults, defamation, and dissemination of false information, even when committed in the context of a protest, possess an independent criminal character and therefore fall outside the legal protection afforded to peaceful protest and may incur criminal liability (Niazpour, 2021). Accordingly, making a differentiated distinction between legitimate protest action and criminality occurring alongside it constitutes the first step in designing a balanced criminal policy.

Criminological experience indicates that exclusive reliance on coercive, force-based, and state-dominated responses to protests not only fails to resolve the underlying causes of civic conflict but also deepens the state-society divide by contributing to penal inflation and the erosion of social capital. Classical criminal policies, which are based on the state’s monopoly over defining crime and imposing punishment, have proved inadequate in responding to collective conduct arising from social crises and often merely suppress the immediate manifestations of a crisis. Overcoming this impasse therefore requires reconsideration of the structure of criminal policy and a transition toward a model of “participatory criminal policy.” By rejecting formal monopolization, this model emphasizes the intervention and cooperation of civil institutions, non-governmental organizations, the media, professional associations, and local actors at different stages of prevention, crisis management, and responses to deviant behavior (Lazerges, 2003; Rostami, 2007).

From another perspective, analysis of the communicative nature of protest through the lens of communicative action theory suggests that social protests should be understood as attempts to reconstruct obstructed channels of dialogue between governing institutions and society (Della Porta, 2020). From this perspective, institutionalizing civil society participation and establishing mediation mechanisms can play an effective role in preventing the securitization of protests and the transformation of assemblies into violent conduct. In other words, close interaction between civil society, the police, and judicial authorities may contribute to moderating punitive approaches and facilitating restorative and non-policing responses to crises (Najafi Abrandabadi, 2004).

Despite the theoretical and legislative potential of participatory criminal policy, operationalizing this model in responding to public protests in Iran faces structural challenges. The dominance of one-dimensional security-oriented perspectives, legislative gaps concerning the implementation mechanisms of Article 27, the functional weakness of intermediary civil institutions, and the absence of a differentiated adjudicatory model capable of distinguishing protesters from individuals engaging in violent disorder have resulted in predominantly reactive, punitive, and undifferentiated governmental responses to protests. Accordingly, the central question of the present study is how a rights-based balance can be established between the protection of public security and the guarantee of citizens’ right to civic protest, and what capacities, obstacles, and requirements participatory criminal policy entails for achieving this objective within Iranian criminal law.

In light of this problem, the present study, using a descriptive-analytical method, seeks to reconsider the dimensions and components of participatory criminal policy in the context of public protests and to explain strategies for moving from a purely

reactive and coercive criminal policy toward a preventive, community-oriented, and dialogue-based model within the Iranian legal system.

2. Theoretical Foundations and Conceptualization of Participatory Criminal Policy in Addressing Public Protests

2.1. Conceptualization of Public Protests

2.1.1. Protest as Collective and Communicative Action

Social protest cannot be analyzed merely as a physical gathering or as conduct that disrupts public order. In its broad sense, protest is a form of collective action aimed at expressing dissatisfaction, demanding reform, criticizing the performance of public institutions, or seeking changes in governmental policies and decisions. Accordingly, protest has, on the one hand, a communicative dimension because protesters seek to convey their messages and demands to the public and official authorities and, on the other hand, a participatory dimension because citizens thereby intervene in the process of shaping the public will and exercising social oversight over political power.

From sociological and criminological perspectives, protests generally do not emerge in a vacuum; rather, they result from the accumulation of economic, social, cultural, administrative, and political factors. Inequality, perceived injustice, weak accountability mechanisms, the absence of effective channels for communicating demands, and distrust of official institutions may create conditions conducive to the emergence or expansion of protests. Social protest should therefore be understood not merely as a “law-enforcement problem,” but as an indication of dysfunction in the communicative relationship between society and government.

In this regard, the theory of communicative action emphasizes the importance of dialogue, mutual understanding, and citizens’ participation in the public sphere. According to this perspective, the public sphere is an arena in which citizens may discuss and express opinions concerning public issues, the performance of institutions of power, and policy orientations. From this standpoint, peaceful protest can be regarded as one manifestation of citizens’ critical participation, particularly when inadequate or ineffective formal channels of dialogue compel such participation to move into streets and public spaces ([Della Porta, 2020](#)).

Accordingly, the quality of governmental responses to protests is important not only from the perspective of maintaining public order, but also as an indicator of the legal system’s capacity to accommodate social pluralism, tolerate public criticism, and transform social conflict into institutionalized dialogue. The more effective the lawful and civic channels for communicating demands are, the lower the likelihood that peaceful protests will develop into violent actions or criminal conduct. Conversely, communicative blockage and lack of responsiveness may result in the accumulation of grievances and intensification of conflict between society and government.

2.1.2. Peaceful Protest and the Scope of Legal Protection

Peaceful protest is a form of collective action undertaken without recourse to weapons, physical violence, or destruction of property for the purpose of expressing dissatisfaction, advancing demands, or opposing the decisions or conduct of public authorities. The essential element of this concept is not merely the collective nature of the action, but the manner in which the protest is exercised and its compliance with legal and peaceful limits.

Article 27 of the Constitution of the Islamic Republic of Iran provides:

“Public gatherings and marches may be freely held, provided that weapons are not carried and that they are not detrimental to the fundamental principles of Islam.”

From the perspectives of public law and criminal policy, this provision is of fundamental importance because it establishes the principle that an assembly or demonstration, insofar as it is conducted within the prescribed conditions, is neither prohibited nor inherently criminal. Consequently, the mere presence of individuals at an assembly or their participation in a demonstration cannot, by itself, constitute a basis for criminal liability. Rather, attribution of criminality requires proof of the individual’s specific conduct, the statutory classification of that conduct, and the constituent elements of the offense.

In this respect, Article 27 of the Constitution should be interpreted in light of the principle of legality of crimes and punishments and the presumption of innocence. In other words, restricting the right to protest or resorting to criminal intervention in assemblies requires a clear legal basis, a demonstrable social necessity, and observance of proportionality between the conduct in question and the official response. General invocation of the need to preserve public order cannot, in itself, remove every critical assembly from the scope of legal protection, because such an interpretation would transform the right to protest from a fundamental right into a privilege contingent upon the discretion of executive authorities.

Nevertheless, recognition of the right to protest does not confer absolute immunity upon all conduct occurring within the context of a protest. During an assembly, certain acts may exceed the boundaries of peaceful protest and satisfy the independent constituent elements of a criminal offense. Assault and battery, destruction of property, threats, insults, defamation, and dissemination of false information may incur criminal liability where their statutory elements are established and the conduct is attributable to a specific individual, even when such acts occur in the context of a protest assembly (Niazpour, 2021).

Accordingly, three fundamental matters must be distinguished:

1. the right to protest and peaceful assembly itself;
2. the manner in which this right is exercised;
3. independent criminal acts that may occur concurrently with a protest.

This distinction is important in two respects. First, it prevents the wholesale and collective criminalization of protest; second, it enables precise and individualized legal responses to conduct that is genuinely criminal. Criminal responses should therefore be directed toward established criminal conduct rather than toward the general label of “protester” or the mere presence of an individual at an assembly.

2.1.3. The Need to Distinguish Protesters, Perpetrators of Violent Conduct, and Perpetrators of Independent Criminal Offenses

One of the fundamental challenges in responding to public protests is the absence of a precise distinction among the different individuals and forms of conduct present within protest settings. A demonstration may include diverse groups: persons merely expressing a civic demand, observers or journalists, individuals participating emotionally in the assembly, and persons who intentionally engage in violent or criminal conduct. Placing all these individuals under a single legal category is incompatible with the principles of fair trial, personal criminal responsibility, and proportionality of criminal response.

From the perspective of criminal policy, this distinction must be observed throughout all stages of the official response, from identification and law-enforcement management through prosecution, investigation, trial, and execution of sentences. Adopting an identical approach toward all persons present at a protest risks expanding the scope of criminal intervention, increasing unnecessary arrests, weakening public trust, and intensifying perceptions of injustice.

By contrast, differentiated criminal policy requires a distinction among:

- peaceful protest;
- nonviolent civil disobedience;
- administrative or regulatory violations;
- violent conduct; and
- criminal offenses independent of protest.

A proportionate and legally grounded response should be designed for each category. Such differentiation is consistent with the logic of participatory criminal policy because this model, rather than relying on a uniform and suppressive response, emphasizes accurate situational assessment, differentiation of roles, dialogue, mediation, and minimal resort to criminal-law instruments.

From this perspective, criminal intervention in relation to protests should constitute the last instrument of criminal policy rather than its first response. Before resorting to punishment, authorities should make use of capacities such as direct dialogue with representatives of protesters, mediation by civil institutions, professional and academic mechanisms, transparent communication, revision of problematic decisions, and social prevention. Criminal intervention may be justified only where specific conduct possesses a criminal character and non-penal responses are insufficient to manage it.

Public protests, when peaceful, form part of the process of public participation and communication between citizens and government and cannot inherently be equated with disorder or criminal conduct. Article 27 of the Constitution, by recognizing the freedom of assemblies and demonstrations, also provides a legal basis for recognizing protest. At the same time, criminal acts that may occur during protests must be examined independently and in accordance with the principle of legality, personal criminal responsibility, and the requirement to establish the constituent elements of an offense.

The principal conclusion of this discussion is that an appropriate criminal policy toward protests cannot be constructed around the simplistic dichotomy of “tolerance or repression.” Rather, it must establish a balance among protection of the right to protest, preservation of public order, and proportionate responses to criminal conduct. Establishing such a balance provides the theoretical foundation for examining participatory criminal policy, a model whose concepts, foundations, actors, and functions are discussed below.

2.2. Concept, Foundations, and Functions of Participatory Criminal Policy

2.2.1. Definition of Participatory Criminal Policy

Participatory criminal policy may be regarded as one of the most significant conceptual developments in the transition from state-centered criminal policy to community-oriented criminal policy. Under the classical model, the state is considered the principal and virtually exclusive actor in defining deviance, criminalization, prosecution, adjudication, and the imposition of penal responses. By contrast, under participatory criminal policy, the management of problematic social phenomena, including public protests, results from interaction, division of responsibilities, and coordinated intervention among the state, civil society, and intermediary institutions. From this perspective, participatory criminal policy does not simply imply reducing the role of the state; rather, it involves recalibrating the state’s role alongside other social actors in order to achieve responses that are more effective, legitimate, and less costly.

Within this framework, participatory criminal policy moves beyond the simplistic dichotomy of “tolerance or repression” and instead proposes a multilayered, flexible, and dialogue-oriented model. It assumes that phenomena such as public protests cannot be adequately understood or managed exclusively through policing and judicial instruments; rather, they must be analyzed within their social, communicative, and institutional contexts. Accordingly, the participation of social institutions in prevention, mediation, communication of demands, oversight, tension management, and even reconstruction of damaged relations between citizens and government forms part of the criminal policy framework (Rostami, 2007).

More precisely, participatory criminal policy is based on the premise that the state’s monopoly over producing responses to social problems is not always effective and, in some areas, including collective protests, may itself become part of the problem. Whenever the state views protests exclusively through a penal and security-oriented lens, the social capacities for conflict resolution are weakened and dialogue gives way to confrontation. By contrast, involving intermediary institutions and socially influential groups can facilitate a more accurate understanding of the causes of protest, distinguish protesters from violent actors, reduce mutual misunderstandings, and enable the design of more proportionate responses.

2.2.2. Theoretical Foundations of Participatory Criminal Policy

Participatory criminal policy rests on a set of theoretical foundations that distinguish it from the traditional state-centered model. The first foundation is recognition of the limited effectiveness of criminal responses in resolving complex social conflicts. In many instances, expansive criminalization and excessive reliance on punishment may produce short-term deterrent or controlling effects, yet in the long term they can intensify social divisions, expand public distrust, and reproduce the underlying conditions of conflict. Public protests, particularly when rooted in structural problems or widespread perceptions of injustice, are among the situations in which an exclusively penal response is generally inadequate.

The second foundation is recognition of civil society as a partner in criminal policy. Under this perspective, society is not merely an object of penal control; rather, it can itself participate in problem identification, prevention, mediation, oversight, and reconstruction of social order. By emphasizing that criminal policy cannot achieve sustainable consensus and legitimacy without the participation of social, professional, and media actors, Lazerges underscores the interactive and interinstitutional dimension of this model (Lazerges, 2003). Accordingly, the legitimacy and effectiveness of criminal policy increase when

responses to social crises are not designed exclusively from above in an authoritative manner but instead emerge from meaningful participation by stakeholders and intermediary institutions.

The third foundation is a communicative conception of public order and social conflict. According to this conception, public order is not merely the product of coercion and formal authority; rather, it results from interaction, mutual trust, normative predictability, and the existence of legitimate channels for expressing disagreement and dissatisfaction. The more restricted the legal and social avenues for expressing demands become, the more likely conflict is to move toward more costly and contentious forms. From this perspective, participatory criminal policy, drawing on the logic of dialogue and mediation, maintains that before resorting to coercive intervention, attention should be given to repairing the relationship between state and society and restoring communication channels. In this context, cooperation between civil society, the police, and the judiciary is regarded as one of the requirements for moving from one-dimensional and authoritarian responses toward peaceful management of social crises (Najafi Abrandabadi, 2004).

The fourth foundation is the distinction between crisis control and problem solving. Purely security-oriented approaches generally focus on the immediate containment of unrest, whereas participatory criminal policy seeks not only to control the situation but also to identify and, where possible, address the causes and conditions that generate dissatisfaction. Thus, this model moves beyond reactive responses toward social prevention, proportionate situational prevention, dialogue with protesting groups, and the strengthening of intermediary institutions.

2.2.3. Actors in Participatory Criminal Policy

One of the defining characteristics of participatory criminal policy is the plurality of its actors. Unlike traditional criminal policy, which places the principal burden of response on the police, prosecution services, courts, and security institutions, this model involves a diverse set of actors in the process of managing protests. These actors may be classified into three principal levels.

First, formal governmental actors include the police, judicial authorities, administrative institutions, security coordination councils, legislative bodies, and officials responsible for social and executive affairs. Under participatory criminal policy, the role of these actors is not limited to exercising authority and imposing criminal responses; it also includes creating transparent legal frameworks, guaranteeing citizens' fundamental rights, calibrating proportionate responses, avoiding unnecessary interventions, and recognizing the legitimate role of other social actors.

Second, civil society and intermediary institutions include political parties, professional associations, non-governmental organizations, the media, trade unions, professional bodies, academics, and socially influential figures. Before the emergence of a crisis, these institutions may facilitate the communication of demands and provide early social warnings; during protests, they may mediate dialogue and reduce tensions; and after crises, they may contribute to restoring trust and rebuilding social relations. Their importance derives in part from the fact that they often possess a level of social trust or communicative access to protesters that official institutions may lack.

Third, citizens and protesting groups themselves, as direct actors within the protest arena, form part of participatory criminal policy. Under this model, protesters are not merely objects of control but should be recognized as holders of demands and parties to dialogue. This approach does not imply unconditional acceptance of all conduct; rather, it reflects the principle that relations with protesters should, to the greatest possible extent, be managed through identification of demands, dialogue, representation, and peaceful mechanisms.

2.2.4. Functions of Participatory Criminal Policy in Addressing Protests

Participatory criminal policy performs several fundamental functions in responding to public protests. The first is social prevention of conflict escalation. The more active intermediary institutions and mechanisms for transmitting demands are, the lower the likelihood that dispersed grievances will develop into costly crises. The participation of the media, professional associations, and civil institutions in reflecting social demands and providing warnings about emerging tensions can play an important preventive role.

The second function is mediation and de-escalation during protests. In many cases, communicative distance between protesters and official institutions leads to misunderstanding, heightened collective emotions, and an increased likelihood of

confrontation. The involvement of socially trusted institutions, academics, professional representatives, civic actors, and dialogue-oriented mechanisms can help manage the situation and prevent protests from escalating into violence.

The third function is precise differentiation between legitimate protest and criminal conduct. One of the weaknesses of undifferentiated approaches is that they view all forms of dissatisfaction through the lens of a security threat. By relying on contextual knowledge, dialogue with relevant actors, and gradual intervention, participatory criminal policy makes it possible to distinguish peaceful protesters, civilly disobedient actors, emotionally reactive individuals, and perpetrators of violence or independent criminal offenses. Such differentiation is a necessary condition for observing the principles of proportionality and personal criminal responsibility.

The fourth function is enhancement of the legitimacy of official responses. The more transparent, lawful, and socially participatory governmental decisions and responses to protests are, the greater their likelihood of public acceptance. The legitimacy of official responses is itself a factor that can reduce repeated tensions and prevent the expansion of distrust.

The fifth function is rebuilding trust and repairing state-society relations following a crisis. Even when protests are brought under control, they may have profound effects on social capital and citizens' sense of belonging. If the post-crisis phase continues to be dominated exclusively by prosecution and punishment, the potential for repairing these divisions decreases. By contrast, the participation of civil institutions, post-event dialogue, reassessment of problematic policies, and attention to legitimate demands may help prevent the continuation of cycles of conflict.

Participatory criminal policy should therefore be understood as a multi-actor, community-oriented, and dialogue-based model in which management of public protests is removed from the exclusive domain of penal and security responses and transformed into an interdisciplinary and interinstitutional field. The model is based on recognition of the limited effectiveness of exclusively penal intervention, the need to acknowledge the role of civil society, the importance of communicative channels, and the distinction between crisis control and problem solving. Accordingly, participatory criminal policy seeks, through the capacities of formal, civil, and intermediary institutions, both to recognize the right to protest and public participation and to prevent social conflicts from developing into violence and criminality.

In analyzing approaches to protest management, adoption of a purely security-centered model in which formal governmental institutions are the principal actors often results in intensified social polarization and accumulated resentment. Loader and Sparks argue that democratic and interactive policing during public protests does not weaken security; rather, by recognizing the right to protest, it enhances institutional legitimacy (Loader & Sparks, 2022). Within this framework, from the perspective of crowd psychology and public-order management, repressive control and coercive methods may generate more intense confrontational behavior among protesters, whereas a participatory approach, drawing on principles of crowd psychology and tension management, can guide the dynamics of public order through dialogue (Stott & Radburn, 2021). Zedner likewise conceptualizes the maintenance of order as extending beyond reactive penal responses and emphasizes the need to develop preventive and participatory forms of security (Zedner, 2023). Within Iranian law, participatory criminal policy can also utilize the capacities of civil institutions as a protective mechanism against offenses affecting public order and public tranquility (Khaleghi & Zare, 2023).

2.3. The Relationship Between Participatory Criminal Policy and Competing Models

Participatory criminal policy cannot be properly understood or evaluated without comparison with its competing models, because it has largely emerged in response to the limitations of unilateral, centralized, and predominantly punitive policies for managing social issues, including public protests. Although all models of criminal policy seek to preserve public order, reduce conflict, and prevent violence, they differ significantly in their analytical foundations, conceptualization of protest, relevant actors, intervention instruments, and ultimate objectives. From this perspective, the position of participatory criminal policy becomes clearer when its relationship with security-oriented, state-centered, and restorative approaches is carefully explained.

First, security-oriented criminal policy analyzes public protests primarily through the lens of threats to public order, political stability, or social security. The prevailing assumption under this model is that assemblies and protests have the potential to develop into security crises and, therefore, that the state's response should first and foremost focus on immediately containing the situation, preventing the spread of unrest, and restoring visible calm to the public sphere. Consequently, law-enforcement, security, and intelligence institutions assume a prominent role, while instruments such as field control, restriction, dispersal,

identification, and criminal prosecution occupy the center of the response. Undoubtedly, where protest involves violence, destruction of property, attacks against persons, or serious disruption of public order, lawful state intervention is necessary and unavoidable. The fundamental weakness of this model, however, becomes apparent when insufficient distinction is made between peaceful protest and violent criminal conduct and all forms of protest action are categorized as security threats. Under such circumstances, the social roots of dissatisfaction are overlooked, and punitive responses become dominant before dialogue and reform have been attempted. The consequences may include expanded public distrust, a widening state-society divide, and displacement of conflict from the sphere of social communication into institutional confrontation. Participatory criminal policy therefore does not deny the necessity of ensuring security; rather, it emphasizes that security intervention must be lawful, proportionate, necessary, and limited and must not substitute for social and communicative mechanisms for understanding and managing protest.

Second, state-centered or authoritarian criminal policy is based on the concentration of response-making authority in the state and formal institutions. Under this model, the state, police, prosecution service, and courts are the principal and sometimes exclusive actors in criminal policy, while the role of civil society, intermediary institutions, professional associations, political parties, the media, and other social actors in identifying problems, articulating demands, and designing responses is marginalized or eliminated. The defining characteristic of this approach is top-down decision-making and the imposition of official responses without genuine citizen participation in policymaking processes. In the context of public protests, this logic may result in citizens being treated not as rights-holders, bearers of demands, and social actors, but merely as objects of management, control, and discipline. Clearly, in every legal system the state remains responsible for maintaining public order, enforcing the law, protecting personal security, and guaranteeing fundamental rights. The fundamental distinction between participatory criminal policy and the state-centered model therefore lies not in denying the state's role, but in the manner in which that role is exercised. Under the participatory approach, the state remains a central actor and guarantor of legality but moves away from monopolization and recognizes the role of social institutions in prevention, communication of demands, de-escalation, mediation, and oversight of official responses. In other words, the state evolves from an "exclusive commander" into a "regulator, coordinator, and guarantor," a transformation capable of enhancing both the legitimacy and effectiveness of official responses (Rostami, 2007).

Third, participatory or community-oriented criminal policy is founded on the premise that society is not merely the object of criminal intervention, but itself constitutes an effective component in the formation, implementation, and evaluation of criminal policy. Under this approach, formal and social institutions operate not in opposition but in relationships of cooperation and mutual complementarity. Non-governmental organizations, professional associations, political parties, the media, universities, local elites, and socially influential groups can perform roles at three fundamental levels: first, before protests emerge, by communicating grievances, identifying social divisions, and warning of potential crises; second, during protests, through mediation, communication of demands, facilitation of dialogue, and reduction of misunderstanding and violence; and third, after protests, through rebuilding trust, evaluating official responses, and pursuing structural reforms. Accordingly, under this model, protest is not viewed merely as a disturbance but as a form of communicative action carrying a social message whose substance should be understood and whose potential should be used to improve policy. Lazerges argues that consensus in the field of criminal policy cannot be achieved without the intervention and participation of social, media, and civil actors (Lazerges, 2003). This proposition demonstrates that social participation is not decorative or peripheral, but rather a necessary condition for rationalizing criminal responses and preventing the uncontrolled securitization of social conflicts.

Fourth, the relationship between participatory criminal policy and restorative criminal policy requires precise conceptual differentiation. Although the two approaches converge in certain respects, including dialogue, mediation, accountability, reduction of coercive penal intervention, and community participation, they are not identical in scope or purpose. Restorative criminal policy is primarily directed toward repairing the consequences of crime, compensating harm, restoring relationships among victims, offenders, and communities, and rebuilding damaged trust. Participatory criminal policy, by contrast, has a broader scope and encompasses not only responses to criminal conduct but also earlier stages involving identification of demands, prevention of tension, regulation of state-society relations, social policymaking, and conflict management. Restorative justice should therefore be regarded as one of the instruments and capacities within the participatory model rather than as its complete equivalent. In the context of public protests, this distinction assumes particular importance because in many cases the primary issue is not an "offense already committed," but rather a "communicative divide," "absence of effective

channels for expressing demands,” and “dysfunction in public trust.” In such settings, participatory criminal policy seeks to activate dialogue and mediation before the logic of prosecution and punishment becomes fully operative. At the same time, whenever protest-related events result in harm to persons or property, restorative mechanisms such as compensation, acknowledgment of responsibility, mediation, and reconstruction of social relations may be used within the framework of law as complementary mechanisms. The relationship between these approaches can therefore be understood as one of broader and narrower scope: participatory criminal policy constitutes a broader framework for the involvement of multiple actors and multilayered management of social conflict, while restorative criminal policy represents one of its principal operational capacities in the post-conflict phase.

From the foregoing discussion, the principal differences among these models may be summarized along four dimensions. First, they differ in their conceptualization of protest: the security-oriented model views it as a threat; the state-centered model as a problem requiring the exercise of authority; the participatory model as social action; and the restorative model as a conflict capable of reconstruction. Second, they differ in their principal actors: formal and security institutions dominate the first models, whereas civil society, intermediary institutions, and direct stakeholders assume important roles under participatory and, to some extent, restorative approaches. Third, they differ in their intervention instruments, shifting from control and prosecution under more coercive approaches toward dialogue, mediation, social prevention, and restoration under participatory and restorative models. Fourth, they differ in their ultimate objective, which changes from mere containment and restoration of order toward problem solving, rebuilding trust, institutional reform, and sustainable reduction of conflict.

Accordingly, participatory criminal policy should be understood as a model that neither denies the necessity of public order, removes the role of the state, nor completely overlaps with restorative justice. Rather, while preserving governmental responsibility for ensuring security and enforcing the law, it seeks to activate the participation of society, intermediary institutions, and mediating mechanisms throughout all stages of protest management. It is precisely this characteristic that makes participatory criminal policy a more appropriate and realistic model for analyzing legal and institutional responses to public protests in Iran.

3. Capacities of Participatory Criminal Policy in Addressing Public Protests in Iran

Participatory criminal policy can be effective in responding to public protests only when it moves beyond the level of a theoretical idea and becomes institutionalized within the country’s legal, legislative, and institutional structures. Although existing Iranian regulations do not comprehensively and coherently formulate a model of participatory criminal policy, capacities exist within the Constitution, ordinary legislation, executive and judicial structures, and civil society institutions that can provide a foundation for the development of such a policy.

The most important of these capacities may be examined at four levels: constitutional and fundamental-rights capacities, legislative capacities, institutional and civil capacities, and law-enforcement, judicial, and mediation capacities. Effective utilization of these capacities, however, requires clarification of legal ambiguities, protection of citizens’ rights, differentiation of peaceful protest from criminal conduct, and the creation of genuine mechanisms for dialogue between the state and society.

3.1. Constitutional and Fundamental-Rights Capacities

3.1.1. Article 27 of the Constitution and Recognition of the Right to Assembly and Demonstration

The most important legal capacity for recognizing public protests within a participatory criminal policy framework is Article 27 of the Constitution of the Islamic Republic of Iran. According to this provision:

“Public gatherings and marches may be freely held, provided that weapons are not carried and that they are not detrimental to the fundamental principles of Islam.”

On the one hand, this provision recognizes freedom of assembly and demonstration as a manifestation of citizens’ political and social participation; on the other hand, it establishes certain limitations on the exercise of this right. Accordingly, legal analysis of protests must distinguish among the right to protest and assemble, the manner in which this right is exercised, and criminal conduct that may occur during a protest.

Based on this distinction, the mere presence of individuals at a peaceful assembly or demonstration cannot, by itself, constitute grounds for attributing criminal liability. Within the framework of Article 27, the right to protest forms part of citizens' participation in the public and political life of society and cannot automatically be equated with a threat to national security or a disturbance of public order. By contrast, where conduct such as carrying weapons, inflicting bodily harm, intentional destruction of property, threats, or other acts constituting criminal offenses occurs during an assembly, liability must be determined on the basis of the specific conduct, the statutory elements of the offense, and the individual role of the perpetrator.

Article 27 may therefore provide a basis for moving beyond an undifferentiated approach toward protests. Rather than subjecting the entire assembly to criminal or security assessment, the conduct of individual participants should be examined accurately and separately. This approach is consistent with fundamental principles of criminal responsibility, including the personal nature of liability and the requirement to establish criminal conduct, and prevents the attribution of collective responsibility to all participants (Niazpour, 2021).

Article 27 of the Constitution of the Islamic Republic of Iran expressly provides that assemblies and demonstrations may be freely held without weapons, provided that they do not violate the fundamental principles of Islam. Nevertheless, the absence of clear ordinary legislation guaranteeing this right has generated ambiguities in its practical implementation. Comparative analysis indicates that many developed legal systems have institutionalized precise distinctions between lawful protests and destructive conduct while simultaneously facilitating procedures for holding assemblies (Rostami & Mousavi, 2022). At the same time, security-oriented interpretations of ordinary laws may at times restrict fundamental freedoms expressly guaranteed by the Constitution, thereby underscoring the need for courts to adopt broad and dynamic interpretations favoring citizens' rights (Rahmdel, 2022). In this regard, legislative reforms should ensure that criminal law does not become an instrument for suppressing expression, but instead contributes to social dynamism and stability (Niazpour, 2021).

Nevertheless, the practical capacity of Article 27 faces several challenges. Ambiguity in certain concepts contained in the provision, the absence of comprehensive and transparent legislation governing assemblies and demonstrations, and divergent interpretations concerning the exercise of the right may facilitate restrictive readings. Effective realization of Article 27 therefore requires clear legislation concerning the conditions and procedures for assemblies, the responsibilities of relevant institutions, methods for ensuring the security of gatherings, and guarantees protecting the rights of participants.

3.1.2. Article 26 of the Constitution and the Role of Social Associations

Article 26 of the Constitution is also significant from the perspective of participatory criminal policy because it recognizes, within the legally prescribed framework, the activities of political parties, associations, professional organizations, and Islamic associations or associations of recognized religious minorities. This provision may serve as a legal foundation for organized citizen participation in the public sphere and the structured communication of social demands.

When social protest is expressed through organized and lawful institutions, greater possibilities exist for dialogue, negotiation, and institutional responsiveness. Political parties, professional associations, non-governmental organizations, and professional groups can aggregate dispersed demands and transform them into clear, specific, and assessable claims. Moreover, these institutions can play an effective role in reducing misunderstandings between citizens and the state, preventing rumors, and mitigating the radicalization of social conflicts.

Accordingly, Articles 26 and 27 may be interpreted as complementary: Article 27 emphasizes the possibility of collective and protest-oriented citizen presence, whereas Article 26 provides the basis for the organized and continuous operation of intermediary institutions. The realization of participatory criminal policy in Iran depends to a significant extent on the ability of precisely these intermediary institutions to operate freely, lawfully, and responsibly.

3.2. Legislative Capacities

3.2.1. The Need to Clarify Regulations Governing Assemblies and Protests

One of the most important requirements of participatory criminal policy is the existence of transparent, precise, and foreseeable rules governing assemblies and demonstrations. Citizens should know the conditions under which the right to

protest may be exercised, which institutions are responsible, what limitations are lawful, and to which authority they may apply if their rights are violated.

Regulatory ambiguity is harmful in two respects. First, it places citizens in a state of legal uncertainty and may cause conduct they consider to fall within the framework of peaceful protest to be interpreted differently by official institutions. Second, in the absence of clear criteria, it enables executive institutions to expand the scope of their intervention. Clarifying the rules governing assemblies is therefore a prerequisite for limiting discretionary intervention and guaranteeing the principle of legality of state action.

Legislation in this area should specify, at a minimum:

- the conditions and procedures for notification or registration of assemblies;
- the competent authority for receiving applications or notices concerning a gathering;
- the limits of law-enforcement and executive powers;
- the legal criteria for restricting or prohibiting an assembly;
- the state's responsibility for ensuring the safety of participants;
- the rights and duties of organizers and participants;
- procedures for addressing possible criminal conduct;
- remedies for violations of participants' rights by officers or officials;
- mechanisms for challenging restrictive decisions.

Such legislation should be structured so as to establish a balance between the right to protest and the necessity of maintaining public order. Within this framework, restrictions on the right to protest should be exceptional, grounded in law, based on demonstrable necessity, and proportionate to the existing risk.

3.2.2. Differentiating Peaceful Protest from Criminal Conduct

From the perspective of participatory criminal policy, one of the most fundamental legislative reforms is the precise differentiation of peaceful protest from criminal conduct. A protest may involve strong criticism of policies or public officials, but opposition or criticism alone, in the absence of the statutory elements of an offense, should not give rise to criminal liability.

Conversely, if an individual engages in assault and battery, destruction of property, threats, insults, defamation, dissemination of false information, or other criminal conduct during a protest, liability should be determined on the basis of that specific conduct and upon proof of the legal, material, and mental elements of the offense. The possibility that some individuals may commit crimes should therefore not lead to the conclusion that all participants in an assembly bear criminal responsibility or that the assembly itself has a criminal character.

This distinction has two important consequences. First, it prevents uncontrolled expansion of the scope of criminal law. Second, it enables targeted and fair responses toward actual perpetrators. In other words, participatory criminal policy opposes the wholesale criminalization of protest while simultaneously recognizing the necessity of lawful and proportionate responses to violent or criminal conduct.

3.2.3. Establishing Legal Mechanisms for Dialogue and Mediation

The legislature can prevent social disagreements from developing into security crises by providing formal and informal mechanisms for dialogue. One of the principal deficiencies in responding to protests is the absence or weakness of institutionalized channels for hearing demands and negotiating with protesters. Under such circumstances, street protest may become the only visible avenue for expressing dissatisfaction.

Establishing social dialogue councils, mediation panels, fact-finding commissions, public-complaint mechanisms, and independent oversight bodies may contribute to the peaceful management of conflicts. These mechanisms will, however, be effective only if they possess relative independence, clearly defined jurisdiction, public accessibility, and appropriate enforcement mechanisms.

Mediation in this area should not mean disregarding individual rights or imposing settlement. Its purpose is to create an opportunity for dialogue, mutual understanding, reduction of tension, and identification of solutions to disputes capable of

resolution. Where serious criminal conduct or grave violations of individual rights have occurred, mediation should operate within the limits of law and with due regard for the rights of victims.

3.2.4. Guaranteeing Fair Trial and Individual Responsibility

Participatory criminal policy is not limited to the prevention and management of protests; it also encompasses the manner in which possible criminal conduct is judicially addressed. Where some participants in a protest commit criminal offenses, adjudication must comply with the principles of fair trial, the right of defense, the presumption of innocence, prohibition of arbitrary conduct, and the requirement to establish individual responsibility.

The distinction between individual and collective responsibility is fundamental in this respect. Presence at an assembly, membership in a group, or association with a social demand does not in itself constitute evidence of criminal conduct. Criminal liability must be based on attribution of specific conduct to a specific individual and proof of the constituent elements of the offense. Such an approach is both consistent with the principles of criminal law and conducive to greater public confidence in the justice system.

3.3. Capacities of Civil and Intermediary Institutions

3.3.1. Civil Society as an Intermediary Between the State and Citizens

Civil society is one of the principal pillars of participatory criminal policy. Civil institutions can operate as intermediaries between citizens and formal authorities, thereby preventing direct and unmediated confrontation between the state and protesters. Through gathering social information, identifying demands, communicating the views of both sides, and facilitating dialogue, these institutions can play an important role in conflict management.

Non-governmental organizations, professional associations, political parties, the media, universities, professional groups, and social elites may each assume part of this responsibility. Particularly before protests emerge, these institutions can help prevent the accumulation of demands and their development into crises by identifying grievances and communicating them to decision-making institutions.

Civil society can also mediate during protests by establishing communication between protesters and formal institutions. This role becomes particularly important when direct communication between the parties has broken down or when each side views the other exclusively through a lens of threat and distrust. Social mediators can contribute to de-escalation by reducing misunderstandings, distinguishing genuine demands from violent conduct, and proposing feasible solutions.

3.3.2. The Role of the Media and Universities

The media and universities also possess important capacities for rationalizing and socializing criminal policy. Responsible and professional media can prevent escalation of emotionally charged environments by providing accurate information, avoiding incitement to violence, reflecting diverse viewpoints, and critically evaluating official institutions. The effective performance of this role, however, requires professional security for journalists, access to information, and a reasonable degree of independence in fulfilling informational responsibilities.

Universities can likewise contribute to a deeper understanding of protest by conducting research on its causes, analyzing public policies, proposing reform strategies, and facilitating scholarly dialogue. Academic involvement helps ensure that responses to protests are not based solely on security perceptions or short-term reactions, but instead rest on social data, scientific analysis, and assessments of policy consequences.

3.3.3. Education Concerning Citizens' Rights and Responsibilities

Another capacity of civil institutions lies in educating citizens about their rights and responsibilities. Participatory criminal policy can succeed only when citizens are aware of their rights, the legal boundaries of protest, liabilities arising from violent conduct, and lawful procedures for pursuing demands.

Public education in this area can help reduce high-risk behavior, prevent exploitation by violence-oriented actors, and strengthen social responsibility. Such education must be reciprocal: just as citizens should become familiar with their legal limitations and responsibilities, officers and formal institutions should be trained in fundamental citizens' rights, crowd-management methods, and the necessity of proportionality in intervention.

3.4. Capacities of the Police and Law-Enforcement Institutions

The police retain a fundamental role under participatory criminal policy, but the nature of that role shifts from mere control toward protection, communication, prevention, and lawful conflict management. Police should distinguish among peaceful assembly, emotionally reactive conduct, disruptive behavior, and violent criminality and organize their interventions accordingly.

Achieving this objective requires specialized training for law-enforcement personnel in crowd psychology, social communication, nonviolent crisis management, and citizens' rights. Law-enforcement intervention should also be gradual, necessary, lawful, and proportionate. Coercive instruments should constitute a measure of last resort and should correspond to the actual level of risk rather than being employed as the initial response to every form of gathering or protest.

Before an assembly takes place, police may coordinate with organizers and civil institutions regarding routes, timing, safety requirements, and mutual responsibilities. During the assembly, continuous communication with organizers' representatives and the use of de-escalation techniques may help prevent confrontation. After the protest ends, performance evaluation and investigation of complaints are also necessary for improving policing practices.

3.5. Capacities of the Judiciary and Judicial Mechanisms

Within participatory criminal policy, the judiciary must pursue two responsibilities simultaneously: on the one hand, lawful adjudication of criminal conduct and protection of victims; and, on the other, protection of defendants' rights and prevention of uncontrolled expansion of criminal intervention.

Realization of this role requires proceedings to be based on specific conduct and assessable evidence, while distinguishing participation in protest from commission of a criminal offense. Observance of the presumption of innocence, access to legal counsel, the right to be informed of charges, independent and impartial adjudication, and proportionality between the criminal response and the conduct committed are essential elements of this process.

In addition to its penal function, the judiciary can also employ its supervisory and preventive capacities. Addressing citizens' complaints regarding officers' conduct, monitoring the rights of detainees, evaluating law-enforcement agents, and publishing transparent reports can contribute to strengthening public trust. Cooperation with civil society in this regard does not imply interference by social institutions in judicial decision-making, but rather enhancement of transparency, accountability, and social oversight of the performance of formal institutions (Najafi Abrandabadi, 2004).

3.6. Mediation and Restorative Capacities

Public protests may leave extensive social, psychological, and institutional consequences even after their apparent conclusion. Participatory criminal policy should therefore establish specific mechanisms not only for controlling and terminating protests but also for the post-crisis phase. Dialogue, mediation, compensation, complaint handling, and rebuilding trust may all be effective at this stage.

Where conflict has arisen among citizens, formal institutions, or social groups, mediation may help identify the causes of disagreement and reduce hostility. Where loss or injury has occurred, restorative mechanisms, with due regard for victims' rights and statutory limitations, may be used alongside criminal responses or as alternatives to them in appropriate cases.

Restorative capacities should not, however, be used as mechanisms for eliminating the responsibility of formal institutions, disregarding the rights of affected persons, or imposing reconciliation. Genuine restoration is possible only where the process is voluntary, transparent, fair, and based on acknowledgment of responsibility.

The Iranian legal system contains numerous capacities for the development of participatory criminal policy in relation to public protests. Articles 26 and 27 of the Constitution provide an important basis for recognizing freedom of association, social

activity, and peaceful assembly. At the legislative level, there is also potential to clarify regulations governing assemblies, define the limits of official powers, differentiate protest from crime, and establish mechanisms for dialogue and mediation.

At the institutional level, non-governmental organizations, political parties, professional associations, the media, universities, and elites can serve as intermediaries between state and society. The police and judiciary can likewise assume more effective roles in implementing participatory criminal policy by moving away from exclusively control-oriented and punitive approaches toward lawful, proportionate, communicative, and accountable practices.

Nevertheless, utilization of these capacities requires a change in perceptions of protest, the creation of legal guarantees, strengthening of civil institutions, limitation of arbitrary interventions, and acceptance of the principle that peaceful protest, when conducted within lawful conditions, forms part of citizens' participation in public life. Conversely, criminal conduct should be addressed on an individualized, evidence-based, and proportionate basis, and criminal acts committed by some individuals should not result in collective liability or wholesale criminalization of protest.

4. Obstacles to and Requirements for the Realization of Participatory Criminal Policy in Addressing Public Protests in Iran

Identifying legal, legislative, and institutional capacities for establishing participatory criminal policy in relation to public protests constitutes only one part of the analysis; another part requires examination of the obstacles and limitations preventing these capacities from being realized in practice. In other words, the existence of normative capacities in constitutional provisions or criminal-policy doctrines does not necessarily entail their practical implementation, because the gap between "recognition of a right" and "the effective possibility of exercising that right" often develops through interpretive, structural, and executive barriers. Analysis of participatory criminal policy in Iran therefore requires not only identification of existing capacities but also precise examination of its legal and institutional obstacles, an approach reflected in criminal-policy scholarship through the need to consider both "the text of the law" and "implementation realities" (Najafi Abrandabadi, 2004; Rostami, 2007).

4.1. Dominance of a Security-Oriented Approach in the Interpretation and Management of Protests

The first and perhaps most significant obstacle to the realization of participatory criminal policy in Iran is the dominance of a security-oriented approach to understanding and managing public protests. Under this approach, social protest, rather than being viewed primarily as a form of communicative action, civic claim-making, or an expression of social dissatisfaction, is interpreted as a potentially threatening condition for public order and political security. The consequence of such an interpretation is that the official response, instead of focusing on hearing protesters' voices, understanding the causes of dissatisfaction, and activating mediation mechanisms, becomes predominantly oriented toward control, restriction, and rapid termination of the situation (Della Porta, 2020).

From a theoretical perspective, such a response is inconsistent with the foundations of participatory criminal policy, which emphasize the socialization of responses, plurality of actors, and priority of prevention and dialogue over repression (Lazerges, 2003; Najafi Abrandabadi, 2004). Indeed, when protest is framed from the outset as a "security problem," the roles of civil, academic, professional, and even mediating institutions are marginalized, while control and law-enforcement institutions dominate the field of action. This interpretive dominance not only restricts the practical capacity of Article 27 of the Constitution but may also impair the proper distinction between legitimate protest and criminal conduct, even though legal analysis requires a clear distinction between mere participation in a peaceful assembly and engagement in conduct possessing a criminal character (Niazpour, 2021).

4.2. Legislative Ambiguities and Weakness of Legal Clarity

Another significant obstacle consists of legislative ambiguities and the absence of clear, precise, and foreseeable rules governing the exercise of the right to protest and the lawful management of assemblies. The more general and open to interpretation the relevant legal rules are, the greater the possibility of discretionary action, expansion of intervention, and disproportionate restriction of citizens' rights. Such a situation, on the one hand, creates legal insecurity for citizens exercising

fundamental rights and, on the other hand, permits executive institutions to expand their interventions on the basis of broad interpretations (Rostami, 2007).

Although Article 27 of the Constitution constitutes an important foundation for recognizing assemblies and demonstrations, failure to define precisely the procedures for exercising this right, its legal limitations, and mechanisms for protecting participants' rights has resulted in significant constraints on its practical effectiveness. From the perspective of participatory criminal policy, the absence of clear legislation directly impedes the formation of a rule-governed relationship among citizens, assembly organizers, law-enforcement institutions, and decision-making authorities. One of the most fundamental requirements in this field is therefore clear legislation concerning procedures for holding assemblies, the limits of police authority, organizers' responsibilities, mechanisms for challenging restrictive decisions, and procedural guarantees for citizens (Najafi Abrandabadi, 2004).

4.3. Weakness of Civil and Intermediary Institutions in Communicating and Managing Demands

Without effective intermediary institutions, participatory criminal policy becomes an incomplete and largely impracticable model. One of its fundamental characteristics is the removal of social problems from the exclusive control of the state and criminal justice system and the involvement of social, civil, and professional institutions in formulating, communicating, and managing responses (Lazerges, 2003). However, where civil institutions, political parties, professional associations, non-governmental organizations, and responsible media lack sufficient strength, independence, or effectiveness, relations between society and formal structures become more direct, conflictual, and unmediated.

One of the principal barriers to implementing community-oriented criminal policy in Iran is the neglect or weakening of professional and civil associations as intermediary institutions between the state and citizens. Tyler demonstrates that citizens' perceptions of procedural justice and the legitimacy of law-enforcement authorities are directly associated with their willingness to comply with norms and refrain from violent behavior; consequently, the absence of procedural trust can increase the potential for violent protest (Tyler, 2021). Intermediary institutions can function as social buffers and mediating channels for communicating demands and preventing the radicalization of the social environment (Sadeghi & Rezaei, 2024). Ultimately, failure to understand adequately the operation of modern social movements, which increasingly function through networked forms of organization, complicates governmental responses to them (Della Porta, 2020); this further underscores the need to move from state-monopolistic models toward dialogue-based and participatory approaches.

Under such conditions, social demands either fail to acquire a structured form or, once expressed, rapidly move outside institutional channels. This not only complicates dialogue but also increases the likelihood of radicalization, misunderstanding, and polarized confrontation. From a criminological perspective, civil and intermediary institutions can contribute to preventing escalation of conflict, educating citizens about their rights and responsibilities, reducing mutual misunderstandings, and creating sustainable communication channels. Their absence or weakness effectively creates greater space for law-enforcement and penal responses to predominate (Najafi Abrandabadi, 2004; Rostami, 2007).

4.4. Dominance of Reactive Logic Over Social Prevention

Another obstacle to realizing participatory criminal policy is the dominance of post-event reactive logic over preventive approaches. In many cases, official institutions begin to devote serious attention to protests only after dissatisfaction has moved beyond a latent stage and manifested itself through assemblies, marches, or social disorder. At that point, the principal focus shifts to managing consequences and controlling the existing situation rather than proactively identifying the sources of dissatisfaction and designing problem-solving mechanisms. Participatory criminal policy, by contrast, fundamentally emphasizes social prevention, participation of local institutions, and strengthening of communication mechanisms so that conflicts can be identified and managed before reaching a crisis point (Lazerges, 2003).

Within this framework, the weaker the mechanisms for receiving demands, assessing social grievances, and ensuring institutional responsiveness, the greater the likelihood of sudden and costly protests. In other words, abrupt and highly contentious protests are often the result of neglecting the preventive stage and failing to process social demands gradually. One

of the basic requirements of participatory criminal policy is therefore the strengthening of preventive, data-informed, and problem-oriented approaches at managerial and legal levels (Della Porta, 2020; Rostami, 2007).

4.5. *Inadequate Specialized Training in Rights-Based Protest Management*

Management of public protests within the framework of participatory criminal policy requires specialized training in public law, citizens' rights, crowd psychology, crisis communication, mediation, and the principle of proportionality in intervention. In the absence of such training, protests are more likely to be interpreted through simplified and undifferentiated models, and the distinctions among peaceful protesters, emotionally reactive conduct, limited disorder, and violent criminal conduct may be disregarded. At both law-enforcement and administrative or judicial levels, this may lead to disproportionate and overgeneralized responses (Niazpour, 2021).

From a criminal-policy perspective, training law-enforcement agents and executive officers is not merely a technical matter but forms part of the guarantee of citizens' fundamental rights and a condition for lawful intervention. Accordingly, scholars emphasize that without specialist training in collective-conflict management and without institutionalizing standards of minimal and proportionate intervention, a genuine transition from an authoritarian approach to a participatory model cannot occur (Lazerges, 2003; Najafi Abrandabadi, 2004).

4.6. *Absence of Institutionalized Dialogue and Mediation Mechanisms*

Although dialogue and mediation are central elements of participatory criminal policy at the theoretical level, without institutionalization these concepts remain abstract recommendations. One of the most significant gaps in the management of public protests is the absence of formal or semi-formal institutions and mechanisms for systematically communicating demands, negotiating with protesters, reducing tensions, and managing disputes. In the absence of such channels, the distance between dissatisfaction and crisis becomes shorter, while law-enforcement and penal instruments effectively become the principal mechanisms of response (Lazerges, 2003).

Participatory criminal policy requires dialogue councils, mediation panels, independent institutions for addressing public complaints, and other interactive mechanisms to play an active role in this process. Where such institutions are absent, social conflicts are more likely to move outside gradual mechanisms of dispute resolution. This is also consistent with communicative approaches to protest, according to which crises intensify when mechanisms of mutual understanding, meaning transmission, and institutionalized communication between the state and society are weakened (Della Porta, 2020).

4.7. *Requirements for the Realization of Participatory Criminal Policy*

In light of the foregoing obstacles, realizing participatory criminal policy in addressing public protests in Iran requires a set of legal, institutional, and executive measures. First, peaceful protest should be reconceptualized at both legislative and executive levels as a form of citizen participation rather than necessarily as a security threat (Della Porta, 2020). Second, laws and regulations governing assemblies and demonstrations should be restructured according to the criteria of transparency, foreseeability, and limitation of discretionary authority (Najafi Abrandabadi, 2004). Third, precise distinctions must be established among protest, civil disobedience, limited disorder, and violent criminal conduct in order to prevent uncontrolled expansion of criminal intervention (Niazpour, 2021).

Fourth, strengthening civil institutions, political parties, professional associations, the media, and social channels for communicating demands is essential for reducing direct confrontation between the state and society (Rostami, 2007). Fifth, formal and semi-formal mechanisms for dialogue and mediation should be incorporated into the institutional design of protest management (Lazerges, 2003). Sixth, specialized training for law-enforcement agents, executive officials, and other formal actors in citizens' rights, proportionality of intervention, and nonviolent management of assemblies is indispensable (Najafi Abrandabadi, 2004). Finally, guarantees of fair trial, observance of the personal nature of criminal responsibility, and prohibition of collectively attributing criminal status to protest participants must be taken seriously (Niazpour, 2021).

Examination of the obstacles to realizing participatory criminal policy in Iran demonstrates that the principal challenge is not merely the absence of certain legal capacities, but rather the weakness of mechanisms for translating existing capacities into transparent, executable, and participatory arrangements. The dominance of security-oriented perspectives, legislative ambiguities, weakness of intermediary institutions, limited emphasis on prevention, inadequate training, and absence of institutionalized channels of dialogue constitute the principal barriers to this transition (Najafi Abrandabadi, 2004; Rostami, 2007).

Accordingly, establishing participatory criminal policy in relation to public protests does not require denying the necessity of maintaining public order, but rather recalibrating the relationship among public order, fundamental rights, and social participation. The more this recalibration is based on legal transparency, institutional pluralism, differentiation of legitimate protest from crime, and prioritization of dialogue and prevention over penal reaction, the greater the possibility of managing protests in a more rational, just, and sustainable manner (Della Porta, 2020; Lazerges, 2003).

5. Conclusion

The present study demonstrated that public protests cannot be analyzed solely as security, law-enforcement, or even exclusively criminal matters because, in many cases, they reflect accumulated grievances, unresolved demands, and citizens' efforts to participate effectively in the public sphere. From this perspective, protest is not an inherent deviation from social order but one of the important manifestations of social participation and collective action in contemporary society. Accordingly, an appropriate criminal policy for addressing protests should not be based on elimination, confrontation, and purely reactive responses; rather, it should rest on dialogue, prevention, mediation, and a precise distinction between legitimate protest and criminal conduct.

The findings further demonstrated that although the Iranian legal system contains capacities for recognizing and protecting the right to protest and peaceful assembly, these capacities have not been fully realized in practice due to legislative ambiguities, the dominance of security-oriented approaches, weakness of intermediary institutions, and the absence of institutionalized mechanisms for dialogue and conflict management. Consequently, a considerable gap exists between normative recognition of the right to protest and the effective possibility of exercising that right, a gap that may itself contribute to further tensions and weakening of public trust.

The analysis also clarified that whenever public protests are framed merely as law-enforcement problems or threats, the likelihood of disproportionate, generalized, and sometimes punitive responses increases. Rational management of this phenomenon, by contrast, requires recognition of social pluralism, willingness to hear diverse voices, and use of preventive and communicative instruments. Civil, professional, academic, and media institutions can play a fundamental role in transmitting demands, reducing misunderstandings, and strengthening communication between society and government.

It may therefore be concluded that participatory criminal policy, if effectively implemented in responding to public protests, can establish a more balanced relationship between public order and fundamental freedoms, preventing the reduction of protest to criminality while simultaneously promoting social stability and preventing violence. Realization of such a model requires legislative, institutional, and executive reforms and recognition of the fact that citizen participation constitutes a natural component of social life and a condition for the sustainability of legitimate order.

6. Recommendations

• 1. Legislative Recommendations

Enactment of comprehensive and transparent legislation on assemblies and demonstrations: Clear, precise, and enforceable regulations should be adopted concerning the conditions, limitations, procedures, and legal guarantees applicable to peaceful assemblies.

Explicit differentiation between legitimate protest and criminal conduct: The boundaries among protest, administrative violations, disorder, and criminal offenses should be defined more precisely in ordinary legislation in order to prevent arbitrary responses and uncontrolled expansion of criminal intervention.

Specification of the duties and limits of authority of executive institutions: Legislation should clearly define the duties, responsibilities, and limits of authority of law-enforcement, administrative, and judicial institutions in responding to assemblies.

Establishment of effective mechanisms for objection and complaint: Transparent and effective legal avenues should be provided for challenging restrictions imposed on assemblies or unlawful conduct by public officers.

- **2. Institutional Recommendations**

Strengthening social intermediary institutions: Support for political parties, professional associations, non-governmental organizations, and civil society groups can facilitate the peaceful communication of demands and reduce tensions.

Establishment of mediation mechanisms for managing social conflicts: The creation of councils, working groups, or specialized dialogue panels involving representatives of society and formal institutions can help prevent the escalation of tensions.

Enhancing the role of universities and responsible media: These institutions should play a more active role in explaining social issues, reducing misunderstandings, and promoting a culture of dialogue.

- **3. Executive and Judicial Recommendations**

Specialized training for law-enforcement officers and executive officials: Police officers and other public officials should receive training in citizens' rights, crisis management, effective communication, and the principle of proportionality.

Requirement of minimal and proportionate intervention: Any intervention in protests should be based on necessity, proportionality, and observance of fundamental rights.

Strengthening preventive approaches instead of purely reactive responses: Responsible institutions should address grievances before they develop into crises through social monitoring, dialogue, and preventive intervention.

Guaranteeing fair trial and the principle of individual responsibility: In proceedings concerning protest-related incidents, collective attribution of criminality should be avoided, and the principle of personal criminal responsibility should be fully observed.

- **4. Research Recommendations**

Comparative study of legal systems with effective protest-management models: Examining the experiences of other countries may contribute to reforming the domestic model and designing more effective mechanisms.

Research on the role of civil institutions in reducing social conflict: This issue is suitable for empirical and interdisciplinary investigation across the fields of law, sociology, and political science.

Legal and criminological analysis of cases and practices relating to protests: Examination of practical cases can more clearly identify weaknesses in existing criminal policy and provide an evidence base for subsequent reforms.

Ethical Considerations

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

Acknowledgments

Authors thank all who helped us through this study.

Conflict of Interest

The authors report no conflict of interest.

Funding/Financial Support

According to the authors, this article has no financial support.

References

- Della Porta, D. (2020). *Social Movements in Times of Austerity: Bringing Capitalism Back Into Protest Analysis*. Polity Press.
- Khaleghi, A., & Zare, A. (2023). Participatory Criminal Policy and the Role of Civil Institutions in Preventing Crimes Against Public Order. *Quarterly Journal of Crime Prevention Studies*, 18(66), 45-72.
- Lazerges, C. (2003). *An Introduction to Criminal Policy*. Mizan Publications.

- Loader, I., & Sparks, R. (2022). *Democratic Policing and Public Protest: Accountability, Governance, and Human Rights*. Oxford University Press.
- Najafi Abrandabadi, A.-H. (2004). Just Crime Prevention. In *Collected Articles in Honor of Dr. Ashouri*. SAMT.
- Niazpour, A.-H. (2021). *Criminal Law and Criminal Policy in the Mirror of Legislative Reforms*. Mizan Publications.
- Rahmdel, M. (2022). A Reflection on the Relationship Between Public Security and Fundamental Freedoms in Light of Article 27 of the Constitution. *Judiciary Legal Journal*, 86(118), 143-167.
- Rostami, V. (2007). Public Participation in the Criminal Process: A Study of Criminal Policy in Western Countries. *Quarterly Journal of Private Law Studies*, 37(2), 250-275.
- Rostami, V., & Mousavi, S. M. (2022). A Comparative Analysis of Restrictions on the Right to Assembly and Protest in the Legal Systems of Iran and France. *Quarterly Journal of Public Law*, 52(3), 895-918.
- Sadeghi, M., & Rezaei, A. (2024). Participatory Intervention of Intermediary Institutions in the Management of Social Crises: A Criminological and Sociological Analysis. *University of Tehran Journal of Criminology and Criminal Policy*, 9(2), 112-135.
- Stott, C., & Radburn, M. (2021). Crowd Psychology, Policing and the Dynamics of Public Disorder. *Current opinion in psychology*, 40, 118-122.
- Tyler, T. R. (2021). *Why People Obey the Law: Procedural Justice, Legitimacy, and Public Protest*. Princeton University Press.
- Zedner, L. (2023). *Security and Criminal Policy: Principles and Limits*. Oxford University Press.