

The Role of Government Authorities in Criminal Policy and Lenient Responses from the Perspective of Iranian and English Law

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Abstract

Examining the role and functions of governmental institutions and authorities in the criminal policies of Iran and England concerning the application of lenient responses, as well as analyzing the effects of such policies on criminal proceedings, the administration of criminal justice, and the maintenance of a balance between defendants' rights and public security, is of particular importance within legal and social systems. In criminal law, leniency mechanisms play a significant role in the individualization of punishment and the mitigation of the severity of penal sanctions. In general, these mechanisms constitute legal instruments that enable judges or judicial authorities to tailor punishments to the specific characteristics of the offender or the particular circumstances of each case. Accordingly, the question arises as to how governmental authorities function within criminal policy and in the implementation of lenient responses, and what challenges and potential solutions have emerged in this regard. The present study employs a descriptive-analytical research method. The required information and data are collected and classified through library research using note-taking as the principal data-collection technique. Developments in these two countries regarding lenient responses and criminal justice essentially reflect a transition from punitive and deterrence-oriented policies toward preventive and restorative approaches. This trend demonstrates that criminal justice systems are reconsidering traditional methods of responding to crime and offenders and are seeking innovative models in which offenders are not only rehabilitated but victims are also able to participate effectively in the justice process. One of the principal challenges in this area is ensuring coordination between governmental and civil institutions and optimizing the use of human and financial resources.

Keywords: Government Authorities, Criminal Policy, Lenient Responses, Iranian Law, English Law

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1. Introduction

One of the points that clearly emerges from the study of the history of criminal law is the predominance of deterrence-oriented criminal policy over lenient criminal policy and of retributive thinking over consequentialist thinking. Accordingly, a

review of the past demonstrates that criminal law historically adopted a more severe approach, while leniency mechanisms were less prevalent (Nourbaha, 2006). In Iran, deterrence-oriented criminal policy prevailed continuously until the Constitutional Revolution; following the Constitutional Revolution and the enactment of the General Penal Code in 1925, leniency mechanisms received greater attention (Mirzaei & Mohammadi, 2020).

Unlike state-centered models of criminal policy, whose existence derives from the common core of the state and from a governmental response to all or part of the criminal phenomenon, societal models are more diverse and may sometimes emerge as alternatives in which society itself, rather than the state, assumes a central role. Consequently, through the assistance of civil institutions and the use of participatory criminal policy, the legislature can promote more effective implementation of the law and draw upon all institutions in the rehabilitation of offenders, a process that ultimately contributes to the protection of society.

The revision of criminal laws in 2013 and the enactment of certain leniency mechanisms influenced by the restorative justice school and reflecting participatory criminal policy aimed at offender rehabilitation, compensation of victims, and restoration of the community represented a serious step toward decarceration, reduction of the prison population, and reduction of the social costs associated with crime. In this process, neither victims nor offenders are passive; rather, together with civil society, they actively and effectively participate in negotiations, dialogue, and the achievement of collective agreements. In order to improve the implementation of the law and protect society, the legislature has therefore utilized the capacities of civil institutions and participatory criminal policy alongside the state.

What functions has the criminal policymaker assigned to governmental institutions in providing lenient responses to crime? In Iranian and English law, both societal and governmental institutions play significant roles in developing and implementing lenient responses to crime, although the methods and challenges differ between the two countries. In England, this approach is influenced by a culture of rehabilitation and community orientation that emphasizes the rehabilitation and education of offenders for reintegration into society. Various institutions, including nonprofit organizations and local councils, cooperate with governmental bodies to employ alternatives such as educational programs, community service, and counseling programs. These efforts support the reconstruction of offenders' personalities and reduce the likelihood of reoffending. In Iran, by contrast, concepts supporting alternatives to severe punishments also exist at the theoretical level; however, their implementation requires practical changes and faces various challenges. The Islamic Penal Code, by emphasizing leniency and mitigation, seeks to reduce reliance on punishments such as imprisonment. Societal institutions in Iran play a more limited executive role and are more frequently concerned with articulating traditional and Islamic approaches. Numerous challenges exist in this regard, including insufficient financial resources and inadequate infrastructure for implementing alternative programs. Consequently, rehabilitation and correctional programs are less frequently implemented on a broad and effective scale. In both countries, challenges such as securing adequate financial resources and introducing fundamental changes into executive structures remain evident. In England, despite considerable progress, problems including court congestion and the need to ensure respect for human rights even when offenders are subject to control measures remain important. In Iran, conservative legal and social attitudes continue to constitute obstacles to the full and effective implementation of these responses. Nevertheless, there remains significant potential for change in policies and the adoption of new approaches. Proposed strategies for improving the functioning of these institutions include increasing cooperation between governmental and nonprofit organizations, ensuring sustainable funding, training personnel responsible for rehabilitation programs, and drawing on the experiences of other countries, including England, in designing and implementing correctional and rehabilitation programs. Adapting Western approaches to Iran's indigenous values and needs can facilitate offender rehabilitation and leniency while reducing the heavy burden placed on the judicial system.

In the Iranian legal system, the determination of criminal sanctions and punishments is one of the most sensitive and complex areas of criminal law and is influenced by jurisprudential principles, penal legislation, and social developments. Iranian criminal policy, particularly over the past two decades, has undergone significant changes, among the most important of which has been the development of lenient responses. The evolution of lenient responses constitutes a modern approach within Iranian criminal policy aimed at reducing pressure on prisons, strengthening offender rehabilitation, and limiting the adverse consequences associated with severe punishments. These developments have been incorporated into Iran's procedural and substantive legislation, particularly through two major laws: the Code of Criminal Procedure and the Islamic Penal Code. These responses function as mechanisms that enable judicial authorities, at various stages of criminal proceedings, to refrain from imposing strict punishments and to provide offenders with opportunities for rehabilitation. They constitute a strategy through which

individual punishments may be reduced or waived, while taking into account the specific circumstances of each case and affording the offender an opportunity for rehabilitation and social reintegration without undergoing the full severity of conventional punishment. These responses may take forms such as:

1. Waiver of prosecution
2. Filing or closure of the case
3. Referral to the Dispute Resolution Council
4. Judicial supervision
5. Exemption from punishment (grounds for exemption under Article 39 of the Islamic Penal Code)

In effect, these policies contribute to directing criminal proceedings in Iran toward a more equitable and rehabilitative approach. Lenient responses require specific conditions that are precisely defined within the Iranian legal system. Some of these conditions include:

1. Nature of the offense
2. Criminal record and social status of the offender
3. Victim consent
4. Judicial decisions and judges' professional expertise

These conditions can substantially influence the implementation and acceptance of such policies. Although these responses promise positive developments in Iranian criminal policy, they face numerous challenges and obstacles in practice. In England, the criminal justice system, particularly with regard to lenient responses and the use of alternative sanctions, is highly developed, and courts have employed such measures, including substituting community service for imprisonment, for approximately three decades. These policies have developed on the basis of restorative justice, efforts to reduce the prison population, and the rehabilitation of offenders. England's experience demonstrates an effective framework for reintegrating offenders into society as more constructive and productive individuals. The development of lenient responses within Iranian criminal policy reflects a fundamental shift in the judicial system's approach to criminal matters and an effort to achieve criminal justice in a more equitable and effective manner. Nevertheless, the challenges associated with these approaches require further attention and reform before they can be fully implemented within Iran's judicial system.

The present study examines legal and procedural differences within the Iranian system and highlights the potential benefits of adopting practices derived from more established legal frameworks, such as the English legal system, in order to protect individuals' rights during arrest, detention, and investigation.

2. Governmental Institutions in Iran and Their Role in Lenient Responses

In Iran, several governmental institutions participate in the process of providing lenient and rehabilitative responses to offenders. Through cooperation and coordination, these institutions implement legal policies more effectively. The Judiciary, as the principal institution responsible for administering justice and supervising judicial proceedings, plays a fundamental role in applying lenient responses. Within the framework of various laws, it is authorized to employ alternatives to imprisonment, conditional release, and other leniency mechanisms based on offenders' conduct and circumstances and to issue lenient judgments. Through courts and judges, it may make decisions under the Islamic Penal Code and the Code of Criminal Procedure. The Prisons and Security and Corrective Measures Organization also operates under judicial supervision and is responsible for implementing correctional programs in prisons, monitoring prisoners' conduct, and creating conditions conducive to rehabilitation. In addition, supportive and social institutions, including the Welfare Organization, perform supportive and preventive functions in relation to lenient responses and play a particularly important role in crime prevention and support for juvenile and low-risk offenders. By providing social, counseling, and therapeutic services to offending children and adolescents, the Welfare Organization seeks to prevent recidivism and facilitate their rehabilitation and reintegration into society. The Ministry of Justice and the Prisons Organization, in cooperation with other institutions, can also design and implement leniency measures such as offender education and vocational training. Overall, governmental institutions in Iran seek, through intersectoral cooperation and coordination, to establish an effective structure for reducing punishments and employing lenient responses, both to prevent crime and to facilitate offender rehabilitation and reintegration.

2.1. *The Prisons Organization and the Impact of Correctional Policies*

The Prisons Organization and its affiliated institutions are among the principal components of every country's judicial system and are responsible for detaining individuals who have committed offenses and have been sentenced to imprisonment. Nevertheless, major challenges exist concerning the effectiveness of imprisonment and correctional policies. These challenges have led many countries, particularly Iran, to adopt new policies aimed at reducing prison populations and employing alternatives to imprisonment. Such policies seek to avoid placing offenders in environments such as prisons that may produce adverse psychological and social effects and instead employ methods capable of rehabilitating individuals and preventing their return to criminal behavior. The Prisons Organization, as a governmental and executive institution, is responsible for the custody of offenders and prisoners. Its primary objective is to enforce judicial sentences, provide a secure environment for prisoners, and prevent escape or security threats. In many countries, particularly under modern correctional policies, its principal mission increasingly focuses on the correction and rehabilitation of prisoners. This approach specifically concerns changing prisoners' behavior and empowering them to reintegrate successfully into society after release. Although imprisonment may function as a deterrent for some offenders, in many cases the prison environment can, rather than facilitating rehabilitation, contribute to the expansion of criminal behavior and aggravation of prisoners' psychological and social problems. In countries with traditional penal systems, prisons often prevent prisoners from accessing educational and empowerment resources and expose them to negative experiences and interactions that may contribute to continued criminal behavior following release. Many prisoners develop psychological and social problems as a consequence of harsh prison conditions, making their reintegration into society and behavioral change more difficult. In recent years, many countries have therefore moved toward decarceration and introduced new correctional policies, an approach pursued seriously in countries such as England and Iran. For example, alternative sanctions, including community supervision programs, community service, day fines, and other noncustodial sanctions, have been proposed as alternatives to imprisonment. These approaches are based on the premise that imprisonment is not only ineffective in rehabilitating prisoners but may also exacerbate individual and social problems. One of the most significant challenges in implementing correctional policies is resistance within the judicial system and the traditional attitudes of judges who continue to view imprisonment as the most effective instrument for responding to crime and, particularly in serious cases, disregard alternative sanctions. Such resistance may result from distrust in the effectiveness of alternative sanctions or concerns regarding increased social risks. Another challenge is the lack of resources and infrastructure required to implement alternative sanctions, which necessitates executive and supervisory systems that, particularly in Iran, have not yet been fully developed. The shortage of specialized personnel, inadequate social support, and absence of comprehensive empowerment programs have prevented the full implementation of correctional policies. In some countries, cultural and social challenges also cause members of the public and judicial authorities to question the effectiveness of these policies. In more traditional societies, imprisonment continues to be widely regarded as an effective punishment, and such beliefs may appear resistant to change. This can slow the acceptance of new policies and negatively affect correctional processes. The Prisons Organization must therefore address prisoner education and empowerment seriously. These policies should receive broader attention in Iran and other countries, while fundamental changes in judicial systems and public culture are required for their effective implementation. The success of correctional policies depends on cooperation among judicial institutions, prison authorities, executive bodies, and local communities.

2.1.1. *Correctional and Rehabilitation Programs in Iranian Prisons*

Prisons were originally defined as institutions for enforcing punishment and ensuring justice within society. In recent decades, however, changes in judicial and penal approaches have expanded the purpose of imprisonment beyond punishment alone. Accordingly, correction and rehabilitation of prisoners and enhancement of social security are now among the principal priorities of the Prisons Organization in Iran. The success of these programs depends on various factors requiring careful examination and in-depth analysis (Abedi, 2020). These programs are predominantly concentrated in four principal areas: education, employment, treatment and counseling, and social support. Each area seeks to reduce factors contributing to criminal behavior. Nevertheless, they face challenges and obstacles that may sometimes prevent them from achieving their intended effects. Among the most important are educational and cultural programs, including literacy education, continuation of formal education, vocational training, and religious and ethical instruction. Many prisoners have low levels of literacy or lack the skills

required to obtain employment in society. Accordingly, literacy programs and technical and vocational training can improve their prospects of finding employment and making a new start after release. Religious and ethical educational programs are also implemented to strengthen religious beliefs and moral values among prisoners. Although such education is important, resource limitations and inadequate educational facilities remain serious obstacles in many prisons. Employment and economic rehabilitation constitute another category of correctional programs receiving attention in Iranian prisons. Many individuals commit crimes because of economic problems or inability to secure adequate livelihoods. In response, the Prisons Organization has sought to create employment opportunities within prisons that provide prisoners with income while strengthening their vocational skills. Technical and production workshops have been established in some prisons to enable prisoners to learn or improve skills such as tailoring, carpentry, carpet weaving, and other trades that they may pursue following release. Nevertheless, due to inadequate financial resources and equipment, such programs are not implemented uniformly across all prisons and require greater investment. Many prisoners enter prison with serious psychological and emotional difficulties. These may include anxiety, depression, obsessive thoughts, substance or alcohol dependence, and other psychological disorders. In this regard, the Prisons Organization seeks to improve prisoners' psychological well-being by providing counseling, psychotherapy, and addiction-treatment programs. Addiction-treatment facilities operate in some prisons, and treatment procedures are provided for prisoners dependent on narcotic substances. These measures play an important role in reducing the adverse effects of crime and criminal behavior following release; however, the shortage of psychologists and psychiatrists in prisons is among the principal obstacles to expanding such services (Farhi, 2020). Social and family support is also among the most essential components of correctional and rehabilitation programs. Prisoners often experience profound social and familial disruptions after entering prison, and the breakdown of family relationships and social pressures makes reintegration into society more difficult. Accordingly, the Prisons Organization has sought to alleviate these pressures as much as possible through measures such as in-person visitation, support for prisoners' families, and assistance in resolving their financial and social problems. Maintaining continuous connections between prisoners and society through community participation programs is also an important correctional measure that may improve prisoners' relationships with their social environment following release (Ataei Janati, 2020). Despite these correctional programs, Iranian prisons continue to face numerous problems and challenges, including overcrowding and insufficient human resources and appropriate infrastructure. These conditions limit prisoners' access to rehabilitation and correctional facilities. In addition, insufficient financial resources for developing educational and employment workshops have reduced the quality and scope of these programs. Many prisoners continue to be socially stigmatized as "criminals" even after completing their sentences and are not fully accepted by society, thereby increasing the risk of recidivism (Gerami & Farahmand, 2020). It should be emphasized that correctional programs in Iranian prisons generally pursue the long-term objective of reducing crime in society and assisting prisoners in returning to ordinary social life. Achieving this objective requires the development of infrastructure, recruitment of specialized personnel, transformation of judicial attitudes toward noncustodial sanctions, and greater synergy among the Prisons Organization, social institutions, and society. Prisoner rehabilitation benefits not only prisoners themselves but society as a whole because reducing recidivism and assisting prisoners in rebuilding their lives ultimately enhances social security and cohesion.

2.1.2. Challenges Facing the Prison System in Implementing Leniency Policies

In many countries, including Iran, prison systems face numerous challenges that make the implementation of leniency policies complex and sensitive. Such policies include sentence reduction, conditional release, alternative sanctions, and similar measures primarily designed to reduce prison populations and facilitate healthier and more rehabilitated offender reintegration into society. Nevertheless, these measures have consistently faced challenges that prevent or delay their effective implementation, and such challenges may be examined from several perspectives. The first major challenge encountered by prison systems in implementing leniency policies concerns institutional resistance within the judiciary and prison administration. Many judicial and executive authorities, because of concerns regarding possible risks associated with extensive leniency, prefer stricter punishments. Such concerns, particularly in cases involving dangerous offenders or serious crimes, often derive from fears that crime will increase and public order will be undermined. Because many leniency measures are temporary or conditional, some authorities remain skeptical regarding their long-term outcomes and prefer to avoid their use. Such institutional resistance, combined with conservative attitudes among some judges, may constitute a major obstacle to the

acceptance and successful implementation of these policies (Goldouzian, 2013). Leniency policies, particularly alternative sanctions and conditional release, also require a robust executive structure. Supervision of released prisoners, assessment of potential risks, and assurance of compliance with conditional-release requirements necessitate adequate executive infrastructure and specialized personnel (Ministry of, 2012). Cultural and social issues also constitute fundamental challenges to the implementation of leniency policies within prison systems. In more traditional societies or societies with stricter attitudes toward punishment, alternatives to imprisonment or conditional release may encounter opposition from various social groups even when formally authorized by law. Individuals and families harmed by crime may distrust such policies and believe that victims' rights are being disregarded. Such social attitudes, particularly when offenses are serious or violent, may obstruct implementation. Negative perceptions of offenders and lack of confidence in their capacity for rehabilitation constitute further important challenges. In many societies, prisoners, particularly individuals convicted of serious or violent offenses, are labeled as "criminals," and such labels may overshadow their social lives indefinitely. This negatively affects rehabilitation and may result in released prisoners continuing to be perceived as dangerous members of society, with few meaningful opportunities to resume ordinary life. Such negative attitudes, combined with insufficient post-release social support programs, constitute some of the most significant barriers to the success of leniency policies (Mosaddegh, 2013). Another major problem concerns managerial and infrastructural deficiencies in many prisons. Overcrowding makes the implementation of correctional and leniency policies more difficult, while educational, therapeutic, and vocational capacities are often insufficiently developed to provide prisoners with effective care and necessary training. Psychological and social problems experienced by prisoners, including depression, anxiety, and mental distress caused by the prison environment, are also inadequately addressed. In particular, prisoners require post-release support, and insufficient coordination among institutions may constitute another obstacle to implementing leniency measures. Frequently, prison administrations lack effective coordination with relevant institutions such as judicial authorities, social-work organizations, and law-enforcement bodies. Such lack of coordination may delay implementation or even result in policy failure. For example, the absence of an integrated system for assessing prisoner risk and monitoring conduct after release may contribute to recidivism and increased social risk. Legal and regulatory challenges constitute further barriers to implementing such policies in prison systems. In some cases, existing legislation, particularly regarding conditional release or alternative sanctions, lacks sufficient clarity or adequate enforcement guarantees to prevent potential abuse. Such deficiencies may result in legal disputes and divergent interpretations of laws and regulations and ultimately lead to incorrect implementation. Because judicial authorities generally decide whether prisoners qualify for these policies, they require accurate and current knowledge regarding the social, economic, and psychological effects on prisoners and society, information that is frequently overlooked (Amravani Far, 2024).

2.2. *The Judiciary and Legal Approaches to Implementing Lenient Responses*

In many legal systems, the judiciary faces numerous challenges in administering justice. One such challenge is case congestion, which prolongs judicial proceedings and increases costs. To reduce this burden and improve efficiency, legal systems frequently resort to lenient responses. These approaches are particularly effective in cases involving less serious or nonviolent offenses. Their principal objective is to reduce the substantial social and economic costs associated with imprisonment while creating better opportunities for offender correction and rehabilitation. Provided that such solutions contribute to maintaining public order and security, the judiciary can use them effectively and allocate its resources to more serious matters. Implementing lenient responses requires precise and transparent legal frameworks. These approaches must be based on principles of justice and tailored to the individual circumstances and characteristics of offenders. Protection of victims' rights must also form an integral part of the process so that victims perceive justice as having been properly administered. Moreover, diversity in response mechanisms, effective supervision, and continuous evaluation of the performance of such systems play key roles in their success. These policies should not be regarded as tolerance of crime but as correctional mechanisms designed to reduce criminality and facilitate effective offender reintegration into society.

2.2.1. *Lenient Judicial Decisions and Their Position within the Judicial System*

Lenient judicial decisions play an important role as mechanisms for facilitating the administration of justice and reducing case congestion. Such decisions arise when courts adopt a more flexible approach rather than focusing exclusively on severe punishment and strict responses, with the aim not only of assisting offender correction and rehabilitation but also of reducing the social and economic consequences of severe punishment. Judicial systems, particularly in cases involving minor or nonviolent offenses, employ lenient judgments as effective instruments for improving judicial efficiency (Mahdavi-pour, 2016). Within a legal framework, such decisions require a careful balance among the rights of the victim, society, and the offender. These systems must ensure that offenders have sufficient incentives to reform their behavior while society remains adequately protected. Accordingly, lenient judgments are based on considerations such as assessing the offender's potential for rehabilitation, protecting victims, and supervising the rehabilitation process. This approach must be adapted to the social and cultural values of society and supported by strong monitoring mechanisms to prevent abuse or injustice. Another advantage of lenient adjudication is its potential to strengthen interaction between society and the judicial system because these approaches require the participation of communities and various institutions in offender rehabilitation and reintegration, thereby contributing to successful implementation (Najafi, 2017). In general, when carefully designed and correctly implemented, lenient judicial decisions can function as effective instruments for improving the administration of justice and reducing the burden on the judicial system. Such decisions not only facilitate offender rehabilitation and effective reintegration but also serve as preventive strategies for reducing crime and promoting social well-being. Proper use of these mechanisms requires training and development of judicial skills in identifying offenders' individual circumstances and assessing available alternatives. The ultimate success of this approach depends on continuous monitoring and on the flexibility of legislation and policy in responding to social changes and practical experience.

2.2.2. *Examination of Judicial Policies in the Application of Leniency: Suspension of Punishment and Pardon*

Among these policies, suspension of punishment and pardon play significant roles in the judicial systems of many countries, particularly Iran, and operate as mechanisms for minimizing prison populations, encouraging offender rehabilitation, and preventing the harmful social and economic consequences of punishment. In Iran, these policies are formulated and implemented on the basis of concepts such as offender rehabilitability, public interest, and the necessity of individualizing punishment. However, their implementation faces challenges and issues requiring careful analysis. The Iranian Judiciary has introduced important initiatives for applying statutory leniencies. One such measure is suspension of punishment, which authorizes courts, taking into account the offender's individual and social circumstances, to suspend execution of the sentence. Under specified conditions, an offender may thereby avoid imprisonment or other traditional punishments, provided that particular legal requirements are observed during the suspension period. This policy not only helps reduce the burden on prisons but also provides offenders with a second opportunity to reform before a sentence is fully executed. Suspension of punishment, particularly where an offense has resulted from error or nonintentional circumstances, may therefore constitute an appropriate mechanism for more flexible adjudication (Najafi, 2017). Pardon and clemency also constitute important components of judicial leniency policies and are often employed in connection with particular occasions, social and humanitarian circumstances, and decisions made by senior state authorities. Judicial institutions may, under specific conditions, grant clemency to certain prisoners. This policy is generally applied to prisoners who have demonstrated appropriate conduct during imprisonment or have benefited from correctional programs. General or individual pardon is used both as a mechanism for reducing prison populations and as an expression of institutional flexibility and humanitarian consideration. Clemency may therefore improve family and social well-being because many prisoners, by returning to family and community life, receive a renewed opportunity to begin an ordinary life. Nevertheless, implementation of these policies faces numerous challenges, one of the most important being accurate assessment of individuals' eligibility for such leniency. In many cases, judges must carefully examine offenders' past and present behavior and the likelihood of reoffending. This requires comprehensive assessment systems and sufficient information regarding the prisoner's behavior inside prison and social and family circumstances outside prison, which are not always fully available. The absence of such systems may produce erroneous decisions or deprive eligible individuals of pardon or suspension (Mirzaei & Mohammadi, 2020). Negative social attitudes

may also cause released individuals to encounter greater social and economic difficulties and make entry into the labor market or social relationships more difficult. Accordingly, appropriate cultural conditions and social programs are necessary to ensure that reintegration occurs progressively and effectively (Nourbaha, 2006). Legal and regulatory problems also affect implementation. Laws governing suspension and pardon must be clear, interpretable, and supported by strong enforcement mechanisms. In some cases, statutory ambiguities or divergent interpretations may result in improper or inequitable application. This situation requires the Judiciary to review and improve the relevant laws and procedures.

2.3. *Governmental Institutions in England and Their Role in Lenient Responses*

In England, governmental institutions play an important role in the effective implementation of lenient responses. These institutions include courts, psychological and social counseling services, and sentence-enforcement agencies. One of the principal components of the English criminal justice system is the Ministry of Justice, which actively formulates and implements policies concerning lenient judicial responses. By identifying cases in which alternative sanctions may appropriately be used, the Ministry seeks to adopt flexible approaches that reduce pressure on prisons and facilitate offender correction and rehabilitation. Community-based alternatives to imprisonment are widely implemented through local courts, with the objective of reintegrating offenders into society through behavioral reform. In addition to courts, institutions such as prison counseling services and supervisory agencies play important roles in supporting lenient judgments and are crucial in assisting offenders throughout periods of conditional or noncustodial supervision. Through psychological counseling, group sessions, and practical-skills training, these services can assist offenders in addressing personal and social problems and preventing reoffending. Support organizations and charities also cooperate closely with governmental bodies in providing practical and social support to offenders and their families. Such intersectoral cooperation reduces implementation challenges, improves the overall performance of the criminal justice system, and strengthens public confidence in the government's capacity to manage criminal justice problems effectively.

2.3.1. *The Criminal Justice System and Judicial Institutions*

The criminal justice system of England is regarded as one of the most developed and highly structured legal systems in the world and is founded on principles of transparency, accountability, and fairness. It comprises various institutions, including the police, prosecution authorities, courts, prison services, and probation and supervisory services, each of which operates in coordination to enforce the law and protect individual rights. Criminal courts in England are generally divided between Magistrates' Courts and Crown Courts, which respectively deal with less serious and more serious offenses. Within this structure, judges and magistrates are responsible for hearing cases and issuing decisions on the basis of available evidence and law, whereas responsibility for prosecution and presentation of legal evidence rests with the Crown Prosecution Service. The institutional independence of these bodies provides an important safeguard for impartial administration of justice and prevention of improper interference in judicial proceedings. In addition to the judicial structure itself, cooperation among institutions involved in criminal justice constitutes a fundamental characteristic of the English system and enhances its overall effectiveness. The police and investigative agencies play key roles in detecting crime and collecting evidence and interact closely with prosecutors and courts throughout criminal proceedings. Prison and probation services operating under the Ministry of Justice are responsible for managing prisoners and implementing rehabilitation programs. A clearly defined legal framework and the use of modern and effective supervisory tools have enabled the English criminal justice system to respond appropriately to complex contemporary challenges, including cybercrime and organized crime, while simultaneously emphasizing citizens' rights and the role of victims in the justice process.

A. Specialized Courts and Their Role in Lenient Responses

Specialized courts in England, particularly youth courts, play an important role in providing lenient and rehabilitative responses. These courts are designed as mechanisms for administering justice in a more humane manner appropriate to the specific characteristics of particular offender groups, especially children and young people. Their objective is not merely to adjudicate crime but also to reconstruct and reform offenders' behavior through nonpunitive approaches capable of preventing subsequent offending. Specialized courts in England, including drug courts and comparable problem-solving mechanisms, are specifically designed to address particular offenses or offenders with particular characteristics. In these settings, judicial

processes move away from traditional punitive approaches toward correctional and rehabilitative interventions. This shift is largely based on recognition that traditional sanctions such as imprisonment do not necessarily rehabilitate offenders and may, in some cases, increase the likelihood of recidivism. Recognizing that many offenders require support and education in order to reintegrate into society, these institutions employ restorative-justice approaches that, unlike retributive responses, emphasize compensation for victims and behavioral reform of offenders. Within this framework, courts may use therapeutic, educational, and rehabilitative programs rather than imprisonment, including treatment programs addressing substance misuse or psychological problems.

Youth courts deal specifically with offenses committed by individuals under 18 years of age. They are particularly important because young people possess distinctive psychological, social, and emotional characteristics that often affect decision-making and their understanding of the consequences of their conduct. Many may have deviated from lawful behavior because of family, social, or psychological difficulties and therefore require support and treatment rather than punishment alone. One of the principal objectives of youth courts, which represent an important leniency mechanism within the English judicial system, is to prevent young people from entering a continuing cycle of offending and becoming persistent or professional offenders. Instead of strict punishment, these courts seek to rehabilitate young people and facilitate their reintegration through restorative approaches, support, and cooperation with their families. They may employ measures such as community service, whereby young offenders are ordered to perform socially useful activities, including assisting older people or cleaning public spaces; education and counseling, including therapeutic sessions addressing psychological problems or substance misuse; and judicial supervision involving close monitoring of young people through periodic visits, assessment of their circumstances, and, in some instances, electronic monitoring. These approaches demonstrate the use of lenient responses rather than severe punishment and may provide young people with opportunities for rehabilitation and reintegration (Emsley, 2007). Research has indicated that youth courts can produce positive outcomes, particularly when they focus on educating and empowering young offenders rather than imposing traditional punishment. By directing young people toward treatment and education, these courts may enable them to learn from previous behavior and pursue different life trajectories through the acquisition of new skills. Such interventions are particularly important for young people living in difficult social and economic circumstances, where offending may arise more from adverse conditions than from entrenched criminal intent (Jacob, 2016). Another advantage of youth courts is the reduction of social pressures resulting from imprisonment. Young people who enter prison often experience increased psychological and social difficulties that may aggravate existing problems and perpetuate criminal involvement into adulthood. Youth-court interventions can reduce exposure to such conditions and thereby create opportunities for treatment and rehabilitation. Successful operation of youth courts requires effective cooperation among judicial bodies, social institutions, and nongovernmental organizations. Numerous charities and social organizations participate in programs for young offenders, enabling access to supportive and therapeutic resources and guiding them toward behavioral reform and reintegration (Emsley, 2007). One of the principal challenges facing these courts is insufficient financial and human resources for implementing such programs. Many courts and related institutions face resource constraints that may adversely affect the quality of programs and services provided to young offenders. Effective supervision and continuous assessment of young people participating in these programs also require sustained and coordinated cooperation between judicial and social institutions. Increasing the effectiveness of youth courts therefore requires adequate funding, interagency cooperation, and continuous educational and therapeutic programming.

B. The English Prison System and Legal Reforms Related to Leniency

The English prison system is among the oldest prison systems in the world and has confronted various social, economic, and legal challenges over time. The system is simultaneously responsible for detaining offenders and providing conditions for their correction and rehabilitation, yet in recent decades it has faced increasing prison populations and substantial financial pressure. These problems have highlighted the need to shift from a traditional conception of imprisonment toward innovative legal and policy reforms concerning leniency and reduction of custodial sentences. The principal objectives of such reforms have been reducing prison overcrowding, improving system effectiveness, and promoting a more humane model of justice. One of the principal problems facing the English prison system is excessive overcrowding. Growth in the prison population over recent decades has rendered many prison facilities outdated and inadequate, and published statistics have indicated that numerous prisons have operated at or near critical capacity. This has not only reduced prisoners' quality of life but also

negatively affected the capacity to implement rehabilitation programs. Overcrowding has consequently encouraged policymakers to adopt policies aimed at reducing imprisonment and expanding leniency measures. Extensive efforts have therefore been made to revitalize the prison system and reduce the prison population (Marder et al., 2023). One of the most important aspects of legal reform in England has concerned increased use of alternatives to imprisonment. Contemporary policies place greater emphasis on measures such as community service, conditional release, and electronic monitoring instead of custodial sentences, particularly in cases involving nonviolent offenses. These alternatives not only help reduce prison populations but also impose lower financial costs on the government than incarceration. Policymakers have further recognized that short custodial sentences frequently generate additional problems, including recidivism, disruption of family relationships, and limited opportunities for effective rehabilitation. This recognition has led to greater emphasis on leniency measures and noncustodial supervision. Important reforms have also concerned conditional-release policies and reductions in the effective duration of imprisonment. In recent years, conditional-release rules have been modified to facilitate more efficient early release of low-risk prisoners or prisoners who have actively participated in correctional and rehabilitation activities. Such policies not only relieve pressure on prisons but also provide incentives for prisoners to improve their behavior. Programs involving gradual transition into the community, implemented within early-release arrangements, assist prisoners in beginning a new life subject to specified obligations when returning to society. Over the long term, such policies may contribute to reduced rates of return to prison. Electronic monitoring has also become a key instrument of leniency reform. Electronic tags enable judicial authorities to monitor offenders' behavior and everyday activities without requiring incarceration and are particularly used in cases involving nonviolent offenders or first-time offenders. Such measures can substantially reduce pressure on prison capacity while permitting close monitoring of correctional and rehabilitation objectives. Another key aspect of legal reform involves redesigning penal policies relating to minor offenses. In the past, numerous individuals received custodial sentences for relatively minor offenses such as low-level financial violations. Over time, this approach demonstrated limited effectiveness because imprisonment for minor offenses increased prison overcrowding without producing sustained behavioral change. Consequently, reforms have promoted financial penalties or educational opportunities as alternatives to imprisonment for minor offending, with the objective of strengthening responsibility while reducing the social stigma associated with incarceration. Alongside legislative reform, prisons have placed greater emphasis on rehabilitation programs within institutions. These include technical and vocational education, psychological counseling and treatment, and opportunities to obtain educational qualifications. Such reforms help prisoners acquire skills and resources required for employment following release and reduce the likelihood of returning to criminal behavior. Policymakers have also cooperated with nongovernmental organizations and charities to establish post-release social-support networks that reduce social harm and facilitate prisoners' return to ordinary life. Another major reform has been increasing emphasis on restorative justice, which, instead of relying on traditional punishment, focuses on repairing harm suffered by victims and restoring social relationships. Programs may include controlled encounters between victims and offenders or agreements regarding reparation. Restorative justice has, in many cases, improved victims' perceptions of the justice system while reducing breaches of leniency arrangements among offenders (Killias et al., 2009). Although numerous policies concerning leniency and reduction of imprisonment have been adopted, correct implementation and continuous supervision require extensive cooperation among relevant institutions. In some cases, insufficient post-release support or failure to comply with electronic-monitoring standards may result in the failure of leniency programs. Accordingly, reforms increasingly emphasize effective supervision and prevention of implementation failures (Ministry of, 2012).

2.3.2. *Judicial Reforms and the Role of Policymakers in Reducing Custodial Sentences*

Over recent decades, the English judicial system has faced numerous challenges, including prison overcrowding, high prison-management costs, and the ineffectiveness of short custodial sentences in reducing crime. These problems have encouraged policymakers and decision-making institutions to undertake fundamental criminal-justice reforms. Judicial reform in England has sought to reduce custodial punishment and strengthen alternative sanctions and rehabilitative approaches, emphasizing principles such as social justice, harm reduction, and prevention of recidivism. Policymakers have played a central role in designing and implementing these reforms, strengthening both the effectiveness of the judicial system and public confidence. One of the most significant reforms has involved efforts to replace imprisonment with noncustodial measures such

as community service, electronic monitoring, and rehabilitation counseling. By examining available data and the adverse consequences of short custodial sentences, including increased likelihood of recidivism and worsening psychological and social problems among prisoners, policymakers have recognized that imprisonment is frequently inappropriate, particularly for minor offending. Within this framework, institutions such as the Ministry of Justice, in cooperation with Parliament and the judiciary, have introduced measures encouraging judges to use alternatives to imprisonment. These reforms are based on the principle that many minor and nonviolent offenders can be rehabilitated through supervisory or restorative approaches without incarceration. Policymakers have therefore focused on designing and implementing targeted programs to reduce imprisonment rates. One important initiative has involved specialized courts addressing specific matters such as substance misuse, mental-health-related offending, and youth offending. Rather than imposing strict custodial sentences, these courts emphasize treatment and rehabilitation. Policymakers have also strengthened supervisory and probation services to enable continuous and detailed monitoring of individuals subject to alternatives to imprisonment and thereby reduce reoffending. Another key reform has involved reducing prison populations by facilitating early release of low-risk prisoners and implementing gradual-transition programs. Through legislative changes, policymakers have created opportunities for conditional early release for prisoners who demonstrate appropriate behavior during imprisonment or pose limited risk to society. Such programs enable prisoners to acquire necessary life and employment skills prior to release and to receive support from social advisers. This facilitates a smoother transition into the community and reduces social shock and psychological pressures associated with imprisonment. Policymakers have also sought to provide judges with greater discretion to impose alternatives to custody. New policies have emphasized that imprisonment should constitute a measure of last resort and should be imposed only when alternatives are inadequate. Electronic monitoring has accordingly expanded, enabling supervision of offenders' daily activities without incarceration. Combined with other alternatives such as movement restrictions and participation in educational programs, these tools reduce reliance on imprisonment (Nagin, 2013). Policymakers have also promoted restorative approaches by changing traditional conceptions of criminal justice and shifting the emphasis from punishing offenders toward repairing harm suffered by victims and restoring social relationships. Restorative-justice programs enable offenders and victims to engage in structured dialogue within controlled settings and reach agreements concerning issues such as compensation or behavioral reform. Such approaches can strengthen offenders' sense of responsibility and reduce recidivism. Considerable attention has also been given to social factors such as poverty, substance dependence, and mental-health problems as underlying contributors to offending. Policies have therefore supported investment in community-level educational, therapeutic, and rehabilitation programs designed to identify and address such problems before individuals become deeply involved in the criminal justice system. Charitable organizations and local communities, supported financially and structurally by government, have thereby been able to contribute to crime reduction.

A. Alternatives to Imprisonment

Alternatives to imprisonment in England are among the most important instruments of modern and restorative justice and are employed to reduce prison populations, rehabilitate offenders, and strengthen social justice. Given concerns regarding the effectiveness of short custodial sentences, the high cost of maintaining prisoners, and the adverse effects of incarceration on individuals' social integration, the English judicial system has increasingly moved toward alternative sanctions in recent decades. One of the principal forms of alternatives to imprisonment in England is community service. Under this approach, instead of serving custodial sentences, offenders are required to undertake constructive work benefiting the community. This may include cleaning public spaces, renovating public buildings, or assisting persons with disabilities and older people. The objective is not only to repair harm caused to the community but also to restore offenders' sense of participation and responsibility. Community service also avoids some negative effects of incarceration, including social stigma and disruption of social and family relationships, while substantially reducing public expenditure associated with the administration of justice (Pickett, 2019). In addition to community service, supervisory orders constitute important alternatives to imprisonment in England. Issued by courts, these orders place offenders under continuing supervision by probation officers and may include specific requirements such as participation in educational courses or psychological counseling. Continuous monitoring of offender behavior not only contributes to preventing reoffending but also encourages behavioral reform and acceptance of responsibility. Probation and counseling services are responsible for providing such supervision and necessary support.

Research has indicated that these policies may be particularly effective for nonviolent offenses and younger offenders (Marder et al., 2023).

Through such policies, potential prisoners are identified as individuals requiring support and rehabilitation rather than merely as dangerous offenders. In England, specialized mechanisms such as mental health courts create conditions conducive to rehabilitation and reduced risk of continued involvement in crime. This approach not only reduces legal and judicial burdens but also produces long-term benefits for society by improving offenders' psychological and social circumstances. In cases involving financial offenses or damage to public or private property, courts may also require offenders to pay fines or compensation. Such measures strengthen personal responsibility while providing victims or affected institutions with mechanisms for reparation. Electronic monitoring, involving temporal and geographical restrictions and close monitoring of offenders, may also be used as an alternative to short-term imprisonment (Pickett, 2019). These policies in England focus on rehabilitation and prevention and seek to guide offenders toward reform and reintegration rather than merely punish them. Frequently implemented with the support of nongovernmental organizations and charities, they have demonstrated considerable potential to reduce recidivism, prison-related social stigma, and governmental costs. Successful implementation, however, requires careful monitoring, continuous evaluation, and sustained cooperation among judicial authorities, police, and social institutions.

B. Examination of Support Programs for Prisoners Returning to Society

The reintegration of prisoners into society following imprisonment is a fundamental challenge for the English criminal justice system. England employs a comprehensive, multisectoral approach and implements various programs to support released prisoners and facilitate their social reintegration. The principal objective of these programs is to reduce reimprisonment and recidivism, thereby also reducing the social and economic costs associated with incarceration. Support programs include rehabilitation services, psychological and social support, skills training, employment empowerment, and housing and subsistence assistance. For labor-market reintegration, organizations such as the National Careers Service and St Giles Trust assist released prisoners in obtaining stable employment through counseling, practical training, and support. Employment following release is particularly important because it reduces the likelihood of renewed offending by providing financial security and a sense of personal and social purpose. Some companies in England also implement corporate social responsibility initiatives involving the employment of former prisoners in secure and supportive workplaces. In addition to employment, housing services and social support are key factors in successful reintegration. Lack of safe and stable housing is a major problem for released prisoners and may contribute to renewed offending. Organizations such as Shelter and the National Association for the Care and Resettlement of Offenders provide housing advice, legal support for accessing social benefits, and assistance through cooperation with local councils to prevent homelessness following release. The English criminal justice system also employs gradual-transition programs, implemented in cooperation with support institutions and charities, to assist prisoners before release and provide a roadmap for community reintegration. Psychological and social support also receives substantial attention because many released prisoners experience continuing mental-health difficulties, addiction, or social exclusion. Mental-health treatment, peer-support groups for formerly incarcerated individuals, and substance-use rehabilitation programs can assist in psychological recovery and rebuilding self-confidence. Programs involving restorative-justice group sessions, which may facilitate direct communication between prisoners and victims, can help rebuild public trust, strengthen prisoners' sense of responsibility, and foster constructive relationships with society (Marder et al., 2023). In cases involving serious or evident offenses, law-enforcement authorities possess powers to arrest, detain, and interrogate individuals. Nevertheless, in many legal systems, particularly Iran, significant gaps remain in comprehensive protocols and regulations designed to safeguard the rights and dignity of arrested individuals throughout these processes. Although the Iranian legal framework provides for written notification of charges, it remains silent regarding several internationally recognized legal safeguards necessary for ensuring fairness and protecting individual rights. Such safeguards include obligations to respect the fundamental rights of detainees, ensure their safety and dignity, and provide transparent information concerning their rights. In addition, practices such as recording interrogations, allowing arrested individuals to notify legal counsel or acquaintances of their detention, ensuring confidential consultation with counsel, and requiring the presence of impartial officials during investigations are notably absent. Other important protections are also lacking, including effective access to counsel during

police procedures, judicial supervision of detention periods, and mechanisms for ensuring that investigations are not conducted unlawfully.

By contrast, the English legal system incorporates many such safeguards and seeks to ensure adherence to principles of justice and transparency. Such procedures include supervision of investigative processes, strict temporal limits on detention without adequate justification, and access to legal representation at every stage. Collectively, these measures seek to balance governmental investigative powers with protection of individual rights. The absence of comparable safeguards within the Iranian legal system highlights the urgent need for reform in order to achieve greater conformity with international standards and ensure a fairer judicial system.

3. Conclusion

Ultimately, successful implementation of leniency policies in Iran requires cooperation among all relevant institutions, from the Judiciary and the Prisons Organization to social and supportive institutions. Such cooperation must simultaneously guarantee public security and facilitate the reintegration of rehabilitated prisoners into society so that they can begin healthy and lawful lives. Increasing public awareness of the advantages of such policies and strengthening rehabilitation and support programs can play an important role in reducing reimprisonment and contribute to a safer and more cohesive society. The English prison system, through legal reforms concerning leniency, has also gradually moved away from traditional punitive approaches toward restorative justice, reduced reliance on imprisonment, and effective rehabilitation. Despite continuing challenges, these developments demonstrate a serious effort by policymakers to improve prison conditions, reduce harms associated with incarceration, and provide offenders with new opportunities for reintegration. These approaches have not only made prisons more effective and humane but have also produced positive effects on social security and criminal justice. Judicial reforms in England emphasizing reduction of custodial sentences have not only contributed to reducing prison populations and governmental expenditure but, by shifting the focus from punishment toward rehabilitation and crime prevention, have also contributed to a more humane and effective criminal justice system. Such reforms represent institutional responses to emerging social needs and wider social changes and have been guided by policymakers and judicial institutions. By seeking a balance between criminal justice and social justice, England has developed an influential model of alternatives to imprisonment that may be adapted in other jurisdictions. Its prisoner-reintegration programs are based on intersectoral cooperation among governmental institutions, charities, and civil society. This comprehensive and coordinated approach seeks to enable individuals to return to ordinary life with the lowest possible risk of reoffending. Through creating employment opportunities, providing psychological and social support, and ensuring access to essential livelihood resources, England has established an effective framework for reducing crime and facilitating successful prisoner reintegration.

Ethical Considerations

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

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Conflict of Interest

The authors report no conflict of interest.

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