

Effectiveness of Free Public Services, Deprivation of Social Rights, and Parole on Recidivism Prevention in Bushehr City

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Abstract

Due to the failure to prevent recidivism, the increasing use of the penalty of liberty deprivation has imposed pressures on criminal policymakers, and as a result, attitudes toward liberty deprivation have been changed in recent decades. In line with the policy of liberty deprivation, alternatives to prison sentence have become commonplace, and are used in most legal systems with the aim of preventing recidivism. The Iranian legislature has also taken steps in this direction by considering the provision of this type of penalty in the Islamic Penal Code of 2013. In alternative penalties, offenders receive penalties in the heart of society by popular and civil institutions. Since crime is a social phenomenon, the most important factor in preventing the recurrence of crime should be found in the social sphere. The purpose of this study is to investigate the effect of public free services, deprivation of social rights, and conditional liberty on the prevention of recurrence of crime in Bushehr city. This descriptive-analytical research is performed through desk studies. The statistical population included judges, lawyers, and ordinary people, as well as case observation and note-taking in Bushehr city ($n = 270$). Among the people living in Bushehr city, 100 people were selected as a sample based on Cochran's formula. Data analysis was performed using SPSS software. A significant relationship was found between deprivation of social rights and prevention of recidivism, between parole and prevention of recidivism, and finally, between free public services and prevention of recidivism in Bushehr city.

Keywords: free public services, deprivation of social rights, parole, prevention of recidivism, Bushehr city

INTRODUCTION

Outcomes of imprisonment are very disappointing. Correctional programs implemented in closed prison settings have failed since the root causes of delinquency remain unknown and, even if known, have been left unresolved. Due to its special nature, prisons deprive prisoners of their basic needs. Given the disadvantages of this penalty and its economic, criminological, health and human problems, efforts have been made in recent years to reform criminals and return them to a healthy social life through performing other alternatives which facilitates humanizing and diversifying the way

prison sentences are used (Shah Cheragh, 2014: 19).

Recent experiences manifest that ordering the imprisonment of many people is scientifically and logically harmful. The costs of building prisons and caring for offenders, the inefficiency of imprisonment, turning the prison into a school of recidivism, bolstering negative traits, weakening of social communication and normal living environment, and fading the prison's intimidating nature over time are most obvious outcomes of illogical imprisonment (Sane'i, 2011: 28). Therefore, a wide range of researchers and social workers around the world have opposed this

solution by trying to prove that imprisonment is not the right, or at least cannot be the only solution. In the last one and a half decades, the Iranian legal and judicial community has seriously questioned the imprisonment as the most pervasive criminal option (Gholami, 2013: 49). Currently, alternative methods of resolving criminal disputes and avoiding the involvement of perpetrators in the criminal justice process is more strongly attended, along with the increasing knowledge of criminology and its emphasis on the inefficiency of imprisonment due to its flaws in not providing the goals of penalty, especially in social rehabilitation of criminals (Goodarzi Boroujerdi, 2004: 49).

On the other hand, the increased number of prisoners and its weighted expenses for the government, as well as the spread of corruption within prisons, has made planners and researchers to reflect about imprisonment usefulness. So, the need to reduce imprisonment sentence, or the so-called decimalization, is turned into a controversial topic. Humiliation of offenders in the past was a goal of penalty, which is not currently compatible with the advanced and humane goals of criminal law. Damage to offenders' social reputation by foreclosing the ability to commit a crime in the future is not convincing. Alternative penalties to imprisonment are considered for crimes that do not require humiliation of the offender. Therefore, the offender's social reputation is not tarnished too much, and the legislature does not focus on humiliating and scandalizing the offender in determining alternative penalties.

It could be argued that alternative penalties to imprisonment are severe enough, and therefore not intimidating. Thus, they lack the power to prevent committing individual and social crimes. However, it may seem convincing to ideate that the intimidation embedded in alternative penalties is justifiable because, unlike imprisonment, the offender is not accustomed to it and there is always a threat against him. Alternative penalties to imprisonment, which come in many forms, are enforced in most countries, but more research is necessary to determine its effectiveness and to find ways of implanting it effectively. Chapter 9 of the new Islamic Penal Code, 2013, Articles 64-87, is dedicated to alternative penalties to

imprisonment; Alternative penalties in the penal systems of some countries have led to effective outcomes due to the adoption of expert regulations and, more importantly, the provision of a favorable environment and the necessary mechanisms (Saffari, 2015: 173). According to the above, this study is performed to investigate the effect of free public services, deprivation of social rights, and parole on the prevention of recidivism prevention in Bushehr city.

1- Theoretical Foundations

1-1- Alternative Penalties for Prison Sentence

Alternative penalties to imprisonment include passing the custody period, offering free public services, paying daily fines, and deprivation of social rights. These alternatives are determined and implemented regarding the complainant's consent, and the possibility of penalty mitigation, based on the type of crime and the quality of its commission, the crime's effects, the offender's age, skill, status, personality and history, the victim's status among other variables (Ravandi, 2007: 21).

Warning. Used for minor offenses or offenses committed by adolescents or young and vulnerable people (e.g., elders), warning could be an alternative form of penalty in the first instance of a crime (Ashouri, 2007: 48).

Cash penalty. This type of alternative penalty is also very helpful in replacing imprisonment, but it does not seem perfect. Low-income people also have to stay in prison for not paying fines. Of course, these flaws have been resolved in several countries including France, which uses fines as an independent penalty. In other words, a certain fine is determined based on the severity of the crime. In this system, crimes are categorized to assess the adequate fine regarding the offender's financial status, the number of his dependents, and other variables (Jafari Langroudi, 2010: 248). What is constantly considered in the execution of prison sentences is not only to punish the offender, but to remind potential criminals about similar consequences. For this reason, the legislature often focuses on the purpose of collective deterrence, and envisages penalties that affect public opinion about the crime in terms of severity, speed, and certainty (Khashi Ghaleh Now, 2014: 45).

Compensation for victims' rights. An alternative penalty to prison sentences regarding individual crimes is the compensation of the victim's rights. If, after a review, the victim's rights are waived, and the crime is not of significant importance, the perpetrator may not be imprisoned (Ashouri, 2001: 301).

1-2- Harmful Damages of Prison Sentences

1-2-1- Familiarization with New Crimes

If it is accepted that a prison looks like a small, just as a society as a whole is made up of several components, and it is always possible for some of these components to deviate from the normal form, then abnormal phenomena are always expected in a prison (Sarikhani, 1991: 42). Since in prison respect for the law is replaced by learning new ways for acting lawless behaviors and the tendency to commit new crimes, casual offenders become professionals. Some believe that a criminal looks a snake-bitten when imprisoned for the first time, but turns into a viper after release. Thus, the corrective purpose of short-term imprisonment is not possible due to the lack of sufficient opportunity, while long-term imprisonment carries the risk of incompatibility with the outside society. In mass prisons, the presence of all kinds of criminals increases the risk of recidivism, and solitary confinement damages the offender's social character. Thus, the reforms of the prison regime reduce its intimidating effect, while the stigma of being imprisoned destroys the hope of returning to an honorable life. That may explain why some criminals prefer living in prison to their painful social lives (Soltani Bidgoli, 2006: 90).

1-2-2- Unemployment and Social Exclusion

Deactivation of prisoners is another harmful effect of imprisonment. Sentence to prison not only makes prisoners unemployed, it also destroys their post-release employment status. Therefore, this sentence turns an active member into an unemployed and overcharging member. On the other hand, imprisonment leads to social exclusion. A large portion of prisoners' families, relatives, friends, and neighbors show no desire to associate with them. This creates a sense of revenge and resentment, while greater distance

from society and social personal capitals reduces the likelihood of social control, and paves the way for future crimes (Shambiati, 1375: 190).

1-2-3 Incorrect Crime Classification in Prisons

One way to prevent prison injuries is to classify prisoners based on gender, history, age, type of crime, citizenship, number of imprisonment, physical condition, and so on. The classification of prisoners in Iranian prisons is based on age and sex. Thus, all prisoners stay together regardless of their ages/genders and their crimes qualities, and become acquainted with a variety of serious and/or light crimes. In other words, an opportunity for exchanging criminal information is provided. For this reason, a deceived young person may become a professional criminal, while if he had not been sentenced to prison, he would probably never have committed serious crimes (Sheikh al-Islami, 2003: 196).

1-2-4- Unqualified Health and Ethics Status in Prisons

Imprisonment often requires that a large number of people be detained in the same place for various periods of time, without any contact with their spouses. Since the number of prisoners is constantly increasing, with no increase in the number of prisons, the authorities inevitably jam all of them in the same previous prisons.

1-2-5- Consequences of Labeling

The process of labeling people in society, including a prison society, is divided into two basic stages from the theorists' point of view: primary deviation and secondary deviation. In the primary deviation stage, individuals deviate from social norms, but they are not labeled by themselves as deviants. After all, other citizens still respect them without seeing them as aberrant. The secondary deviation stage occurs when a deviant behavior is made public by prominent members of society (e.g., friends, parents, employers, officials, the police, and the court). According to Finkel, a scandalous party is held for the social norms violator and he is condemned to a deviant act. Rebuked and punished, he is forced to admit the moral superiority of the convicts and receives labels such as stupid, abnormal, fraudulent, mischievous, addicted, and vagrant (Saber, 1379: 211).

1-2-6- Contradiction with the Principle of Individualization of Penalties

The principle of "individualization of penalties" governs imprisonment. This means that in the school of Islam, everyone is responsible for his actions and no one's violations and transgressions are written consistently (Sediq Sarvestani, 2008: 273).

On the one hand, imprisonment leads to the severance of the prisoner from normal life, family, work and friends. on the other hand, his relatives' expectancy for his liberty, making frequent visits to the prison to visit the prisoner, and, requesting a meeting with judicial authorities for discharge or mitigation of the penalty waste time and economic activity. The economic and psychological pressures imposed on these relatives show that this penalty contradicts the principle of individualization of penalties (Saffari, 2015: 173).

1-2-7 Imposing Economic Costs on Society

The proliferation of prisons increases the need for facilities and manpower and other related costs, which must be met from the public budget. In other words, imprisonment, in addition to blocking the work activities of prisoners, also deprives society of their economic returns.

1-2-8- Killing the Sense of Responsibility

Sentence to prison lacks a deterrent effect, and additionally, it destroys the sense of responsibility and leads prisoners to laziness. The tendency for release is weak in many long-lasting prisoners since all their material needs have been met without any inconvenience. As a result, the sense of responsibility towards themselves and their families may be damaged, which encourages them even to commit a crime again after release due to the desire to maintain their in-prison welfare. In fact, some prisoners have access to necessities that cannot be met in the society, and they do not feel any suffering in prison. It is no wonder, then, that the desire for prison forces them to commit a crime again so that they can get rid of the reality of their lives, which seems to them as a real prison. Therefore, there are several factors involved in the occurrence of injuries in prison, which could be reduced by implementing treatment programs (artistic, psychological, social and health), as well as vocational training.

2- Types of alternative penalties to imprisonment in Iran

2-1- House arrest

Home arrest refers to restrictions on commuting and leaving the house. In this penalty, the convict's liberty of entry and exit is restricted and he is required to remain in his house, or has the right to leave there only on certain days announced in advance. In this penalty, the convict's house is considered a prison and prison-like cell (Najafi Abrandabadi; 2011: 148). Electronic care or supervision was first introduced by the American psychologist, Schwitz Gable, in 1960 (Najafi Abrandabadi, 2003: 545). In accordance with Article 62 of the Islamic Penal Code in 2013:

"In criminal cases from the fifth to the eighth degree, if there are conditions for custody adjournment, the court can monitor the convict in a specific location, under the supervision of electronic systems".

Given Article 9 of the Law on Reducing Discretionary Custodial Sentence, 2021, the note of Article (62) of the Islamic Penal Code approved on 1/2/2013 was revived as Note (1) Notes (2) and (3) were added as follows:

Note 2- The provisions of this article is applied could be applied to second-degree, third-degree and fourth-degree prison sentences if one-fourth of the prison sentence is passed.

Note 3- The Judiciary can use the capacity of the private sector, under the supervision of the Prisons Organization and the security and educational measures of the country to implement the supervisory measures subject to this Article or other regulations according to which the accused or convict is monitored by electronic supervision. Code of practice of this note is prepared by the Legal Deputy of the Judiciary in cooperation with the Statistics and Technology Center, and the Organization of Prisons and Security and Educational Measures, and finally approved by the Head of the Judiciary.

Note- "If necessary, the court can subject the convict to supervisory measures or the mentioned orders in custody adjournment" (Coyle, 2003: 12). One objection to this legislature is that although house arrest with electronic supervision is at the forefront of alternatives to prison sentence, it is

not mentioned in the chapter allocated to alternative solutions, and instead, it is embedded in the previous chapter, the "Parole System". House arrest is more socially salient than the prison sentence. In other words, re-socialization, deterrence and financial responsibility occur simultaneously in house arrest. Studies show that most citizens agree with house arrest as a penalty for non-violent criminals (Ahmadi, 2013: 159).

2-2- Free Public Services

Currently, offenders are proposed by the court to do community-useful tasks something, instead of going to jail to seek redress. In other words, free public services is an options for prison sentence, determined in terms of the dangerous level of the offender, with the aim of compensating for the victim and repairing the disturbed public order by doing a free useful task for the community (Pourhashemi, 2014: 64).

According to Article 83 of the Islamic Penal Code, approved on 2013: "Free public services are those services that are determined as a sentence for a certain period with the consent of the convict, and are executed under the supervision of a judge of sentences execution":

- 1- Crimes subject to paragraph 1 of Article 82, up to two hundred and seventy hours;
- 2- The crimes subject to paragraph 2 of Article 82, two hundred and seventy hours up to five hundred and forty hours;
- 3- Crimes subject to paragraph 3 of Article 82, five hundred and forty hours to one thousand and eighty hours;
- 4- Crimes subject to paragraph 4 of Article 82, thousand eighty hours, up to two thousand one hundred and sixty hours (Ahmadi, 2015: 41).

It should be noted that the issuance of free public services is not limited to the process stage, and it can be used both in the pre-process stage as well as the execution of sentences. In the prosecutor's office, where the prosecutor is in charge of prosecuting the convict, he can make a contract with the convict to refuse his prosecuting if the convict accepts to offer free public services (Shah Cheragh, 2014: 41).

2-3- Custody period

According to Article 82 of the Islamic Penal Code, approved on 2013: "The custody period

refers to the period during which the convict, by the court order and under the supervision of the judge executing the sentence, has to carry out one or more of the following orders mentioned in the custody adjournment as follows":

1. Maximum six months for offenses punishable by a maximum of three months imprisonment;
2. Six months to one year for crimes for which the penal code is ninety-one days to six months of imprisonment, and for crimes whose type and amount of custodial sentences are not specified in the relevant laws;
3. One to two years for crimes for which the penal code is punishable more than six months to one year in prison;
4. Two to four years for unintentional crimes for which the penal code is more than one year.

According to Article 42 of the Islamic Penal Code, approved on 2013, "Custodial adjournment is a form of suspending the prison sentence, in which the court can suspend the prison sentence for six months up to two years, despite the case is ready for trial, and the convict is forced to perform certain tasks in this period" (Niyazpour, 2015: 42).

2-4- Daily Cash Penalty

Since this type of penalty is directly related to the offender's income, it is called a "daily cash penalty" The amount of the daily cash is determined in two stages. In the first stage, the judge determines the number of days of cash payment within a (minimum and maximum) legal limit, according to the type and importance of the crime. For example, if the legislature has imposed a cash penalty for driving offenses in 1-30 days, the judge may impose a cash penalty for 18 days for a drunk driver. In the second stage, the judge determines the amount of the daily cash penalty in proportion to the offender's income. That is, he specifies an amount of cash from the offender's total daily income to cover the expenses of the offender and his family. The judge then multiplies this value by the number of pre-determined days.

According to Article 84 of the Islamic Penal Code, approved 2013: "The daily cash penalty is one-

eighth to one-fourth of the convict's daily income, which is determined as follows, and is collected under the supervision of the execution judge":

1. Crimes subject to paragraph 1 of Article 82, up to one hundred and eighty days;
2. Crimes subject to paragraph 2 of Article 82, one hundred and eighty up to three hundred and sixty days;
3. Crimes subject to paragraph 3 of Article 82, three hundred and sixty up to seven hundred and twenty days;
4. Crimes subject to paragraph 4 of Article 82, seven hundred and twenty up to one thousand four hundred and forty days.

Note: At the end of each month, the convict is obliged to pay the total daily cash penalty of that month within ten days.

2-5- Deprivation of Social Rights

Deprivation of social rights is stated in the Islamic Penal Code, approved on 1991 (repeated AD 62) as a subordinate penalty. According to Article 25 of the law, this is a subordinate punishment. According to Article 63, the Law on Deprivation of Social Rights has been introduced as an alternative to prison sentence, but it is not mentioned in subsequent articles. Perhaps not referring to the deprivation of social rights in this chapter could be attributed to its presence as "supplementary and subordinate penalties" in the second chapter. There are several basic objections to this argument. The first objection is in terms of form; In other words, one can ask "why does the legislator deals with alternative penalties to prison sentence in several chapters while a separate chapter was allocated to it?" (Ahmadi, 2005: 52).

2-6- Cash Penalty

According to Article 85 of the Islamic Penal Code, approved on 2013, "The amount of cash penalties for alternatives to a prison sentence is as follows":

- 1- Crimes subject to paragraph 1 of Article 82, up to nine million rials;
- 2- Crimes subject to paragraph 2 of Article 82, nine million rials up to eighteen million rials;

3- Crimes subject to paragraph 3 of Article 82, eighteen million rials up to thirty-six million rials;
4- Crimes subject to paragraph 4 of Article 82, thirty-six million rials up to seventy-two million rials (Pourhashemi, 2014: 237).

One of the positive features of the Islamic Penal Code is its recent view of the subordinate penalty. The current law considers subordinate penalty as a punishment with no legally specified type and amount. As a result, it is assumed that if there is an act whose sentence is not specified in the Penal Code, its subordinate penalty can be determined by referring to jurisprudential sources, which, of course, is contrary to the principle of legality of penalty (Moazami, 2007: 58).

Article 64 of this law refers to the examples of this legal establishment. Accordingly, alternative penalties to imprisonment sentence include passing the custody period, offering free public services, paying cash penalty, paying daily cash penalty, and deprivation of social rights, which are determined and implemented depending on the type and quality of the crime, the consequences of the crime, the offender's age, skill, employment status, personality and background, and the victims' status, as well as the complainant's consent, and the possibility of penalty mitigation. In determining the sentence, the court shall pay attention to the proportionality of the punishment with the conditions and qualities stipulated in this article. The court cannot rule on more than two cases of alternative penalties (Sanei, 2011: 29).

According to Articles 21 and 22 of the Islamic Penal Code, the amount of a cash penalty determined for a juridical person is at least twice, and at most four times, the amount set by the law for the commission of a private person. Dissolution of a juridical person and confiscation of his property is applied when it is been created for committing a crime, or when the person changes his activity and his first legitimate purpose exclusively in order to commit a crime (Beigzadeh, 2006: 345).

2-7- Parole

The history of parole in Iran goes back to the "Law on Forcing Non-Political Prisoners to Work", approved on 12/12/1935 and the "Law on Suspension of Prisoners' Sentences" approved on 10/14/1952. Then, the "Law on Parole" was approved on 12/23/1958, and considered as the basis for the next legislations in terms of parole.

The "Law on Islamic Penalty", approved on 7/21/1982 in Article 39 with five notes referred to this discussion.

In 1991, the legislature amended the previous laws in Articles 38 to 40 to review the prisoners' parole condition. Finally, with the approval of the new Islamic Penal Code on 1/2/2013, the legislator expressed his will regarding parole in Articles 58 to 63, and declared its final will regarding parole in the Islamic Penal Code approved in 2021 as follows. Article 8- A note as follows is attached to Article (57) of the Islamic Penal Code, approved on 1/2/2013:

Note- The provisions of this article could be applied to second-degree, third-degree and fourth-degree prison sentences if one-fourth of the prison sentence is passed.

This law looked at the release of those sentenced prison, subject to their consent to work in "welfare or industrial establishments", as a parole with employment under protection. The single article of the law on parole of prisoners was approved on 12/23/1858, which contained the principle of Article 9 and a note that determined the conditions of parole and the manner of its application by the court. In the case of a misdemeanor, after passing half of imprisonment, and in the case of a crime, after passing two-thirds of imprisonment, parole was granted, provided that the person had been sentenced to prison for the first time (Noorbha, 2008: 431).

3- Methodology

This is a descriptive-analytical study performed through the desk research. After selecting the topic and gathering resources based on the initial indexing, the content was extracted. Then, by complying with relevant regulations, the phase of analyzing and theorizing about the intended issues was launched. This descriptive-analytical research is performed through desk studies. The statistical population included judges, lawyers, and ordinary people, as well as case observation and note-taking in Bushehr city (n = 270). Among the people living in Bushehr city, 100 people were selected as a sample based on Cochran's formula. The data were analyzed using SPSS software in two sections of descriptive and inferential statistics. In the inferential section, the research

hypotheses were tested using Pearson correlation test.

4- Findings

The average age of the subjects was 32.71 years (SD= 6.61). Also, 331 subjects (99.7%) were male and no female subjects were present. 217 ones (65.4%) were born in cities, was 98 ones (29.5%) in villages. None of the subjects had an elementary degree, with the lowest frequency. 16 subjects had secondary education (4.8%).

Financial crime was the highest type (n = 150; 45.2%). 71 subject (21.4%) were imprisoned for murder, 30 ones (9%) for drugs, 30 ones (9%) for chastity, and 16 one (4.8%) for robbery. 178 subjects (53.6%) had only one history of crime (maximum frequency), while 62 (18.7%) , 48 (14.5%) and 2 (0.6%) of the subjects were sentenced to prison for the second, third and fourth time, respectively.

The frequency of indigenous subjects was higher since 196 subjects (59%) were indigenous, compared to and 125 non-indigenous ones (37.7%).

Table 1. Correlation between deprivation of social rights and prevention of recidivism in Bushehr city

Variable	r	p	Level of correlation
Deprivation of social rights	**0.785	0.000	Very strong

Source: Research Findings **: Significance at p= 1% *: Significance at p=5% NS: No Significance

As Table (1) shows, the relationship between deprivation of social rights and prevention of recidivism in Bushehr city is significant and very strong (r = 0.758 and p = 0.000). Therefore, the hypothesis of this study in terms of a significant relationship between deprivation of social rights and prevention of recidivism in Bushehr city is confirmed.

Table 2. Correlation between parole and prevention of recidivism in Bushehr city

Variab le	r	p	Level of correlati on
Parole	**0.846	0.000	Very strong

Source: Research Findings **: Significance at p= 1% *: Significance at p=5% NS: No Significance

According to Table (2), the relationship between parole and prevention of recidivism in Bushehr city is significant and very strong (r = 0.846 and p = 0.000). Therefore, the hypothesis of this study in terms of a significant relationship between parole and prevention of recidivism in Bushehr city is confirmed.

Table 3. Correlation between free public services and prevention of recidivism in Bushehr city

Variab le	r	p	Level of correlati on
Free public services	**0.846	0.000	Very strong

Free public services	**0.846	0.000	Very strong
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Source: Research Findings **: Significance at p= 1% *: Significance at p=5% NS: No Significance

According to Table (3), the relationship between free public services and prevention of recidivism in Bushehr city is significant and very strong (r = 0.846 and p = 0.000). Therefore, the hypothesis of this study in terms of a significant relationship between free public services and prevention of recidivism in Bushehr city is confirmed.

In order to explain the constructs affecting the prevention of recidivism in Bushehr city, simultaneous multiple regression analysis (Enter) was performed. These information are presented in Table (4). 99.6% of the fluctuations of the criterion variable (prevention of recurrence of crime) was predicted by these predictor variables (R2 = 0.996 Adjust).

Table 4. Mean and standard deviation of the subjects' scores in the research variables

Statistical indexes Variables	M	SD	n
Prevention of recidivism	3.98	0.5725	332
Deprivation of social rights	4.1	0.7385	
Parole	3.78	0.8106	
Free public services	3.32	0.6757	

As manifested in Table (4), the mean and standard deviation are 3.98, and 0.5725 for the "Prevention of recidivism"; 3.95, and 0.67038 for the "Cash penalty"; 4.11, ad 0.85407 for the

"Suspension of sentence"; 4.19 and 0.74811 for the "House arrest"; 4.1 and 0.73857 for "Deprivation of social right"; 3.78 and 0.81069 for "Parole"; and 3.32 and 0.67577 for "Free public services".

Table 5. Simple correlation coefficients between the research variables with deprivation of social rights

Statistical index Predicting variable	r	p	n
Deprivation of social rights	0.62	0.001	332

Parole	0.57	0.001	
Free public services	0.53	0.001	

Table (5) shows a positive significant relationship between the research variables with the prevention of recidivism. In other words, the significance level and correlation coefficient between these variables with the prevention of recidivism were: $P = 0.001$ and $r = 0.62$ for

Deprivation of social rights; $P = 0.001$ and $r = 0.57$ for Parole; $P = 0.001$ and $r = 0.53$ for Free public services. Therefore, all the three hypotheses are confirmed. In fact, with the increase of each of these variables, the prevention of recidivism is also improved. $F = 88$; $p < 0.001$

Table 6. Results of regression analysis on the research variables with prevention of recidivism

Predicting variable	RS	F	Regression coefficients		
			β	t	p
Prevention of social rights	0.381	$F = 88$; $p < 0.001$	0.618	9	$P < 0.05$
Parole	0.447	$F = 116$; $p < 0.001$	0.669	10	$P < 0.05$
Free public services	0.279	$F = 55$; $p < 0.001$	-0.529	8	$P < 0.05$

According to the results of the multi-stage regression analysis in Table (6), 523% of the recidivism prevention changes are caused by the Cash penalty; 317% by the Suspension of sentence; 523% by the House arrest; 381% by the Deprivation of social rights; 447% by the Parole; and 279% by the Free public services. Therefore, all these variables have a significant relationship with recidivism prevention.

Conclusion

Given the ineffectiveness of sentence to prison, especially short-term imprisonment, for correcting and rehabilitating prisoners, on the one hand, and imposing heavy cost on the government and creating health and psychological problems for prisoners on the other hand, it seems both necessary and useful to provide alternative penalties to sentence to prison. Therefore, in order to eliminate imprisonment and prohibit the improper use of this penalty, Iranian criminal policymakers have provided alternative penalties to imprisonment in the ninth chapter of the Islamic Penal Code, approved on 2013.

Comparing security and educational measures, deterrent penalties, punishment and security agreement with each other, it was found that decriminalization exist in Iranian criminal law with different titles, which is a sign of high dynamics of Iranian law in responding appropriately to crime and society based on different circumstances. In fact, decriminalization is a constituent of Iranian criminal law, and the legislature seeks to find

the capacity of reform in the offender, in order to perform decriminalization for the benefit of the offender and society by the help of various predicted institutes. Custody adjournment, parole, intermediacy, suspension of prosecution, cash penalties and daily cash penalties, treatment, and free public service are among the most important alternatives that can be implemented in Iran.

In Iran, in the article "Law on Respect for Legitimate Liberties and Protection of Citizenship Rights" approved on 2004, contains regulations about protecting human rights of defendants and convicts, which should be observed by judges and judicial officers. A significant innovation in this law is that according to its paragraph 15 and its executive instructions, for the proper implementation of its provisions, two supervisory and follow-up boards are formed, one at the national level, called the "Central Supervisory Board" and the other at the provincial level, called "Provincial Supervision and Inspection Board"; Therefore, those who claim that their rights have been violated in the criminal prosecution could report it to the related authorities. Inspired by modern criminology, penology, and criminal sociological perspectives, the United Nations criminal policy and advanced contemporary legal systems have concluded that sentence to prison is the last resort to deal with dangerous criminals, and they emphasize that resorting to alternative social penalties on a large scale not only ensures the security of the society, but also significantly reduces the cost of criminal justice by meeting the

requirements of human rights and dignity. The legislative criminal policy of the Islamic Republic of Iran has recently joined this reform movement, but in terms of legislation, the courts' rulings indicate that numerous legislative restrictions, on the one hand, and the inefficiency of alternative executive regulations along with the lack of proper social culturalization, on the other hand, have led to the improper application of the determined social alternatives. The current paper examined the interactions and conflicts between the legislative and judicial branches through investigating both traditional and modern alternative penalties, and legislative barriers, as well as analyzing the opinions issued on alternatives to imprisonment. Finally, it was found that in addition to the need to amend the Islamic Penal Code governing alternatives to prison sentence and its regulations, there is a need to modify the society culture and to educate governmental and non-governmental legal institutions about these alternatives; The judiciary should also use new approaches to social rehabilitation of criminals instead of focusing on pure criminalization. Achieving this comprehensive purpose requires both changing the social culture and the improvement of public opinion. In other words, society must accept that deprivation of liberty as a penalty has failed due to its numerous harms, and that performing alternative solutions (modern social penalties) is the best way to apply intended correctional punishments.

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