



The Impact of Critical Criminology Findings on Preventive Structures in Domestic Law

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Abstract

The presence of pathological and preventive measures in preventing the occurrence of crime is more important than punishment in order to provide the society as a platform for optimal growth. In the mechanism of evaluation and monitoring, the tendency of policymakers and managers for quick and short-term programs and the extreme inadequacy of preventive policies are considered among the most important damages (Mehdi Fard, 2019 issue 102).

Critical criminology calls for fundamental and fundamental changes in the structures and beliefs based on it, such as Marxism, and confronts the criminal system with criticism, and for this important situation, it uses criminology to voice its criticism of the existing situation and existing harmful structures. put forward a scientific form and one of the views of critical criminology is that it pays attention to power structures that have many injuries that can be the most destructive, structures that are institutionalized in a special way in the view of critical criminology and reflect a variety of interests And it is social interests that oppress a certain group of people (Dariab, Ali 2018).

The perspective of critical criminology is part of an important tradition based on political conflict and conflict, a tradition whose goal is to achieve social rights and human rights and defend them within a variety of social structures. By entering into the nature of preventive structures, in addition to criticizing the methods used in these structures, critical criminology criticizes the diversity of preventive structures and models and considers these methods to be inefficient and ineffective. In this article, which is taken from a doctoral dissertation, we believe that, in addition to explaining the most important damages of preventive structures from the perspective of critical criminology, the impact of criminology findings on structural pathologies, the effects and brief results of each Let's examine one of these patterns of preventive structures in order to determine the dominant pattern of Iran's criminal policy in relation to the mentioned phenomenon and also to identify the principles and methods, restrictions, and prohibitions.

Keywords: crime, criticality, pathology, structure, prevention

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Introduction

In criminology, two basic questions have always occupied the mind, firstly, why does a crime happen, secondly, what is the way to prevent it from happening, since criminology is actually the science of studying and identifying the factors that cause crime and the personality of criminals in order to prevent it. It is about the repetition and prevention of criminal events in the society. It has considered two important levels in answering the above questions. In response to the first question, it has answered through theoretical criminology, and in response to the second question, it is applied criminology. Along with other branches

of applied criminology (clinical criminology and preventive criminology), preventive structures have been given special attention, and in order to strengthen the criminal justice system and related structures, it has looked at the issue from a macro perspective.

Critical criminology is also called Marxist, socialist, materialist, new, and radical criminology. Critical criminology emerged in the Anglo-Saxon countries at the end of the 1960s and is the result of combining Marx's protesting views on capitalist society and popular protests. It is against the Vietnam war and the economic dominance of Western culture. From the point of view of this theory, the crime is the current act or omission that causes the violation of human rights, which is defined from the political point of view. In fact, critical criminology looks at the capitalist system as an agent against human rights with the obvious influence of Marxist criminology. (Najafi Tavana, 2013)

Critical criminology is one of the cases of structural inequality as a factor that generates crime and victimization, and there is no limit in determining the examples and cases of this inequality, so whatever is vulnerable due to cruel methods, be it human, man, woman, animal, The environment, black, white, native, immigrant, should be supported and deal with the cause of injustice and restore justice with appropriate measures. . This criminology always criticizes the legal system. (Najafi Tawana, 2013)

In fact, critical criminology with obvious influence from Marxist criminology looks at the capitalist system as an agent against human rights. This theory supports the liberal philosophy of the participation of all people regardless of race, ethnicity, gender, and class in the governance of society. Critical criminology supports animal rights and protects the environment. Anyway, the main topic of this theory is one of the cases of structural inequality as a factor that generates crime and injury. There is no limitation in determining examples and inequality. As mentioned, everything that is vulnerable due to the application of cruel methods, be it human, man, woman, animal, environment, black, white, native or immigrant, should be supported and deal with the cause of injustice and restore justice with appropriate measures. did

The importance and necessity of research

Considering that the process of preventive structures is one of the most important ways in the stage of crime prevention and currently one of the most modern methods of combating the criminal phenomenon is the method based on the process of identifying structural damages based on preventive structures. Therefore, considering the fact that the country of Iran, as a member of the international community, should benefit from the most up-to-date criminal ideas in this regard and use them to the extent required by its Shari'a standards and culture, the necessity of implementing this The research is quite clear. And that is that by implementing this article and examining the foundations, strengths and weaknesses of this system and preventive structures in all proceedings and stating the current position of this preventive system in the existing criminal regulations and the position that according to our religious and cultural teachings, this It will be a positive step to have a preventive system in Iran's penal texts.

Concepts and theoretical foundations

The concept of prevention

Prevention in the word means preventing, warding off and getting rid of the disease. Prevention of crime is examined in two subjects, general punishment and criminology, in different ways. In criminology, crime prevention can be discussed in any situation where crime is prevented; For example, creating a safe environment for children, creating education, etc., but public criminal law follows the prevention of crime in the discussion of the goals of applying punishments and security measures, it is prevention of crime. So it seems that the relationship of this topic in these two categories is absolute in general and particular; This research only deals with the discussion about the prevention of crime in criminology.

In a general sense, prevention is all actions that prevent the occurrence of crime. According to Sherman's opinion, any event that is applied and the result shows that the crime rate is reduced, can be considered preventive.

Based on Sherman's definition, some people have considered prevention as criminal prevention (crime prevention by applying punishments) and non-criminal prevention.

Some other criminologists (Nazir Gessen) criticize repression and consider it non-preventive and define prevention in a special sense:

A set of non-punishment measures, the ultimate goal of which is to exclusively or partially limit the scope of committing a crime, making it impossible, difficult, and reducing the probability of a crime.

The concept of crime in law and jurisprudence

In the Islamic Penal Code, a crime is defined as an act or omission for which punishment is prescribed in the law.

The Qur'anic concept of crime: the word crime and its derivatives (criminals, criminals, criminals, criminals, criminals...) appear more than 60 times in the Qur'an, and it basically refers to the same lexical concept as an ugly business; However, the Holy Qur'an has used it in a wide range of cases, including the arrogant, oppressors and those who deny the Resurrection. As a result, the word crime is common in the Quran and includes criminal behavior and deviant beliefs and morals. The word "crime" in the Qur'an does not include every sin, but sins may be classified under one of these headings in terms of severity and weakness, the intent of the perpetrator, and his various states:

1. Bad background: By placing the word bad in front of major sins, including in the verse "Do not be afraid of our great ones, we will not disbelieve in your sins..." (Al-Nasa', 31), it becomes clear that "bad" and "siyeh" mean It is minor sins and does not include major sins and therefore does not include crimes.

2. Sin: Guilt and sins refer to great and wicked sins and arrogant states, and therefore the word "sin" has an absolute general and special relationship with "crime".

3. Error: The word "error" has two meanings in the Qur'an:

A- Responsible error: This type of error, the derivatives of which are used in the Holy Qur'an in the form of wrong, false, and sin, is when a person commits a sin and is also responsible. In this case, the sin covers his entire existence and dominates his soul to the point where a person commits a sin involuntarily and without intention (Taj al-Aros, under the sin) and hence even "evil" which includes only minor sins. If it is repeated, it becomes a sin and is considered one of the major sins.

B- Irresponsible error: In this type of error, a person commits a crime out of forgetfulness and without fault, which usually comes in the form of "mistake" and "mistake".

4. Atham: In the Holy Quran, atham is used in various forms (atham, atham, athim, tathim), including in the case of drunkenness, gambling, false testimony, as well as punishment. There is a difference of opinion about the meaning of this word. Some have said: It is a work that prevents a person from receiving reward, like leho, some have taken it to mean "harm". As in verse 219 of Surah Al-Baqarah (2) there is an opposition between the evil and the benefit. Others have said that absolute "haram" actions are called "sins" because they are harmful and prevent a person from doing good. With this explanation, guilt is applied to all crimes.

Elements of crime

1- Material element: this explanation that the actual act or omission must be done by a person, otherwise he cannot be considered guilty. Therefore, if a person tells another to commit a criminal act, someone is responsible for the act or omission.

2- Legal element: the act or omission must be legally recognized as a crime, so if a person commits an act that is not defined as a crime in the law, the perpetrator is not a criminal. Therefore, in most of the legal articles, conditions have been considered for the occurrence of a criminal act, without the presence of one of them, the crime has not been committed. Therefore, for the interpretation of the articles of the criminal law, it should be sufficient to be sure, and if the current act or omission is suspicious from the point of inclusion in the law, it should not be considered a criminal act.

3- Spiritual element: if the current act or omission was done by a person, simply because it is a crime in the law, the perpetrator cannot be considered a criminal, maybe these acts are actualized thousands of times in the society, in this situation, it is not possible to punish all these people. He was found guilty. In order to commit a crime, there must be a spiritual element, that is, the perpetrator must have criminal intent in his act, otherwise he cannot be considered guilty.

The lexical concept of structure

The lexical concept of structure is used in the meanings of mold, form, shape, texture, building, skeleton

Terminological concept of structure Organizational structure is the division of activities and roles of people in the organization. In fact, the organizational structure or chart determines the duties of employees and various responsibilities within a company. The more organized this structure is, the more efficient the company will be.

Types of structures

In general, there are four types of organizational structure

1-Functional structures

2- Task-level structures

3-matrix structures

4- Segmented structures

The concept of social harm

Social harms are defined as a group of disorders and behavioral abnormalities of the people of a society, either individually or collectively, which are rooted in the irregularities, malfunctions of social phenomena and their adverse consequences. These harms often cause psychological distress. physical and material of the special and vulnerable sections of the society. And it can also be said that: any kind of individual or collective action is said to be not in line with the moral principles and general rules of collective or informal action of the society, the place of activities of the actors and As a result, it faces legal prohibition or moral and social disgrace.

Social pathology is the study and rooting of social disorders, in other words, the study of social anomalies and disorders along with their causes and methods of prevention and treatment. Social harms as actions that violate the norms of society and threaten the social system are of serious importance in any society, the growth and variety of harms in big cities, especially megacities including Tehran, due to special conditions: increase Increasing population, indiscriminate migrations, expansion of marginalization, lack of life skills in the metropolis, breakdown of traditional systems and emotional and family bonds, vulnerability of citizens due to social and economic problems is alarming and it is necessary to curb and reduce it. Basic action should be taken

Theoretical foundations

Classical school

The publication of the thoughts of thinkers such as Charles Montesquieu, Jean-Jacques Rousseau, Cesar Beccaria and Jeremy Bentham caused a deep intellectual transformation in criminal law and the emergence of a school called the classical school. Establishing important principles such as the principle of legality of crime and punishment, the principle of equality of punishment, the principle of personality of punishments and the necessity of moderation and mildness in punishment are considered important achievements of this school. Despite the positive effects of these principles in the correct implementation of justice, the extreme attention of the founders of classical schools to the objective nature of crime and punishment and excessive emphasis on the free will of the criminal has prevented them from studying the victim.

Also, healing the victim's heart and compensating for his losses, which was once considered as the philosophy of the legitimacy of punishment, gives its place to social benefit, and the act of killing - as claimed by Jean-Jacques Rousseau - is considered a rebellion against the society and the country. The death penalty is proposed for the continuation of the life of the society and not for the rights of the victim. In this way, in the classical school, the legal position of the victims has been officially overshadowed by social interests and benefits (Tojahi, 1377: 49).

Realization school

The inattention of the founders of the classical school to the character of the criminal and the causes of crime and the unfairness of the fixed punishments provided the basis for criticism and investigation of this school. The most important achievement of the school of realization is the beginning of a new movement in the direction of identifying the causes of the criminal phenomenon and studying the personality of the criminal.

Despite this, the method of identifying the causes of delinquency in this school has not been a comprehensive method that addresses all aspects of delinquency. Because Lambruso, as one of the founders of this school, searched for the causes of delinquency within the delinquent and his physical and mental characteristics, and Enrico Ferri, another prominent figure of this school, paid special attention to social and economic factors in explaining the causes of delinquency and tried Garofalo is also focused on examining the dangerous state and studying and explaining the antisocial states of the criminal and the degree of his adaptation to the society.

As a result, the founders of the school of realism, in discovering the causes of delinquency, neglected to pay attention to the victim, which forms one of the main vertices of the triangle of delinquency (offender-delinquent-victim), and caused the victim to have no place in this school. Of course, in terms of supporting the victims and the need to improve their fate, the founders of this school, especially Frei and Garofalo, have presented theories (Ibid.: 51).

Social defense schools

Criticisms of the free will claimed by the classical school and the deterministic ideas of the founders of the realist school became the basis for the emergence of new schools. Adolf Prince's school of social defense, extreme social defense school led by Filippo Grammatica, and modern social defense school led by Mark Ansel are among the most famous penal schools that emerged after the realist school.

The thought and efforts of the founders of these schools have focused more on the objective nature of the crime, the character of the criminal and the appropriate social response to the crime. This has caused the element of victimization and the subject of victimology to remain hidden and still in ambiguity from the point of view of the founders of these schools (ibid.: 52).

Social control theory

Some other authors have tried to connect restorative justice with social control theory. This theory, which was proposed in 1969 by one of the criminologists named Travis Hirschi, talks about the dependence of a person on the society around him. This issue is presented in such a way that the more a person depends on the society around him, such as his family, neighborhood, school, workplace, etc., the less he commits crimes. On the other hand, as much as this dependence is reduced, the probability of committing a crime increases as well. Restorative justice is related to this theory because it tries to prevent and curb crime by repairing the breaks and gaps that have arisen in relationships and social connections.

According to this theory, criminal behavior occurs when social control is weakened. When a person's commitment and adherence to society is weakened or separated, the probability of crime increases. In this way, the dignity of a person in the society declines and he is no longer afraid of the blame and blame of the society, he moves more and more towards his personal goals and interests and then commits a crime to achieve it. takes action. Hirschi argued in his book entitled *Causes of Delinquency*, which was published in 1969, that there is no need to explain the causes of delinquency, because we are all (part of) animals and

therefore, we are all naturally capable of committing criminal acts. He then proposed a comprehensive social control theory that people who are strongly attached to social groups such as school and peers are less likely to commit delinquent acts.

Since this theory deals with the role of those around the criminal in preventing the occurrence of crime and considers the crime to be the result of the groups around the criminal not working properly, it can be said that it is one of the opinions that has had a great impact on the formation of restorative justice. Because restorative justice also aims to prevent and restrain the criminal by repairing the gaps and gaps that have been created in relationships and social connections, which is why we can establish a connection between these two theories. However, this theory cannot be specifically considered as the basis for the emergence of restorative justice. First of all, this theory is derived from several basic principles that all try to prevent the crime from happening, while restorative justice is a process that deals with the crime in a special way after the crime has occurred. Secondly, in this opinion, only the criminal and the society around him have been addressed. If the restorative justice, apart from these two cases, has dealt with and paid attention to the victim category more than the previous two cases.

Labeling theory

This theory is based on the fact that criminal acts are created by the governing body according to the public power they have. In this explanation, firstly, they consider the crime as an act that happened against their will. Therefore, they insist on this statement that the cause of crime is the structure and functioning of the criminal justice system in all stages of proceedings. Also, the poems state that criminalization in the criminal justice system is against its three fundamental principles, i.e. necessity, justice and morality. Rather, this matter is completely subject to the will and interest of the powerful and rich. Secondly, by labeling a person as a criminal, the criminal justice system causes him notoriety, and in this way, the person separates himself from the normal and general society, and in return, the society calls him a deviant and out of character person. As a result of this behavior, the criminal considers himself rejected from the normal society and tries to go to a society that accepts him and his thoughts are accepted there. This society is nothing but a society of professional criminals. Therefore, in this way, a person turns from a casual criminal into a professional criminal. Thirdly, another negative result that occurs in the process of labeling is that those who have been stigmatized as criminals are not only more involved in criminal and deviant acts, but also seek comfort in the company of others. which are considered aliens in the same way. Therefore, the sum of these cases has created a driving force that encourages people who have been labeled in this way to hang out with each other. Therefore, the notoriety caused by the official intervention of the penal system can lead young people to work in some kind of criminal profession. Therefore, this point of view reminds us that the reaction of the penal system against criminal behavior should be based on a policy of changing the direction. Therefore, the theory of labeling suggests that certain groups of criminals should be directed to a separate path from the official path of proceedings in the penal system. A path that keeps them away from contact with most of the official elements of this system and thus reduces the possibility of their being discredited. Therefore, less dangerous crimes should be dealt with according to the principle of non-intervention or the principle of least intervention, and this theory also states that some crimes, including "victimless" or "non-violent" crimes, should be decriminalized. Because this will reduce the possibility of unnecessary and unnecessary defamation of people.

By reflecting on this theory, we will understand its connection with restorative justice. This is because one of the fundamental principles of this theory is that crimes should be dealt with in an informal atmosphere and away from the formal justice system. This is one of the principles accepted in restorative justice. Also, in this theory (labeling theory) there is talk of decriminalization of crimes committed without victims. Since in restorative justice, it is essential to talk about the fact that a crime is a behavior against a person and relationships between people, and it is an attempt to decriminalize crimes that do not have a specific victim as far as possible.

As it can be seen, one of the fields of emergence and emergence in restorative justice should be considered as this theory. But all the principles, goals and process of restorative justice are not summarized in this

theory and in general it can be said that this theory has guided the minds of legal thinkers to some extent towards the attitude towards restorative justice. without including all aspects of restorative justice because this theory has not paid attention to the rights and demands of the victim and his key role in the process of restorative justice.

Critical criminology solutions

The solutions available in this criminology, in addition to private achievements, have also brought public achievements in the field of decriminalization, decriminalization and decriminalization, which without doubt in some fields has been able to help improve the efficiency and performance of the criminal justice system. Now, the approval of the new Islamic Penal Law under the influence of the laws of countries such as France and indirectly inspired by criminological perspectives such as critical criminology in a way to reduce the burden of the criminal justice system through the solutions and approaches of the so-called system Zada has taken a step. This consideration needs to be investigated to what extent the aforementioned law has adhered to these ideas in this regard and to what extent these views can be found in the institutions and approaches adopted in this law. Therefore, he analyzed the general teachings arising from critical criminology with an emphasis on the new Islamic Penal Law and other related laws, as well as the experience of some countries, and examined that in two dimensions, firstly, that the policies or A more accurate interpretation of the approaches of the criminal justice system, arising from a critical view of criminal law, in what form is shown in these platforms and laws, and the other thing is to check to what extent the correctional institutions that are recognized in these laws The format of critical criminology approaches is placed.

A- Approaches to the criminal justice system arising from a critical view of criminal law, with the inspiration of some suggestions of theories under the critical criminology, approaches were gradually introduced in the criminal justice system, which applied a critical perspective to the criminal justice system, calling for a case-by-case approach. They were from this device. Among these approaches, we can mention the most obvious ones such as decriminalization, decriminalization and decriminalization. In the following, the reflections of these approaches will be evaluated according to the Islamic Penal Code.

Critical decriminalization

Decriminalization includes all forms of deconcentration of the criminal justice system (Mehra, 2007). In this regard, whenever the strategy of regressive criminal law takes place in the form of removing or modifying punishment for behavior whose criminal title is preserved, the term decriminalization is used (Mohteshmi, 2011). In fact, decriminalization is the removal of punishment from a behavior, or in other words, removing or modifying the punishment of a behavior that does not necessarily eliminate its criminal character. It includes non-criminal action against the criminal phenomenon (Gan, 1998). This process has been divided into various categories, from legislative, judicial and executive decriminalization to absolute and relative, as well as official and unofficial, the contents of all of which are generally in line with deconcentration of the criminal justice system. Decriminalization, which is referred to as "incomplete decriminalization" in the encyclopedia of criminology (Najafi Ebrandabadi and Hashem Beigi, 2007), has been more targeted by criminal justice practitioners than decriminalization, because by maintaining a criminal description for behavior that is only a criminal reaction It has been removed from it, it has fewer prohibitions than decriminalization (Raijian, 2008). In general, in decriminalization, it is not meant to remove the criminality of the act or the omission of the act, but the goal is to balance the crime and the punishment, which means that in most of these cases, the severity of the punishment is reduced or the criminality of the punishment is removed from it. (Police station, 2001).

Decriminalization as one of the effects of limiting the scope of criminal law intervention, trying to prevent perpetrators from getting involved in the criminal justice process and preventing them from being labeled as criminals, as well as preventing them from continuing their path in this process, by removing the guarantee of criminal execution from the criminal phenomenon. It is by fitting the crime and its response.

Critical decriminalization

Critical criminologists by challenging the criminogenic practice and behavior of criminal justice as well

Strict crime control solutions seek to provide non-criminal solutions such as mediation, compromise, alternative solutions for solving criminal lawsuits, and labeling petty criminals as criminals. From this point of view, decriminalization means removing or minimally interfering with the judicial system and diverting proceedings from the criminal justice system to legal mechanisms, with community quasi-judicial mechanisms or shortening the criminal process (Najafi Ebrandabadi, 2011). Another term is to prevent the criminal proceedings that the criminal justice system has the authority to handle by resorting to non-judicial methods, to deal with some crimes and violations.

Decriminalization as a new paradigm of criminal justice seeks to reduce the weight of criminal law and use alternative strategies in dealing with criminal disputes (Najafi Ebrandabadi, 2007) in this direction by adopting measures such as civil, administrative, educational and social responses to It seeks to distance criminals and other people from the criminal and ineffective functioning of the penal system. Removing the suspect, accused and convicted from the process of investigation and execution of a criminal sentence in the form of decriminalization can be done at any stage of the process in the general sense of the word (Akrami, 2007). This means that the use of decriminalization mechanisms in each of the stages of prosecution and investigation, trial and execution of judgments seems useful and necessary. In some cases, this process is referred to the directly involved parties who can use the help of an external agent in solving that problem. In other cases, the emphasis is on the positive intervention of an external factor, in order to help the criminal in solving the issues that lead him to delinquency (Mehra, previous). Criminal justice, or if they enter this process, prevent them from continuing their path by adopting special measures. From this point of view, by maintaining the criminal title of the committed behavior, only the jurisdiction to investigate and decide on it by resorting to civil, administrative, educational and especially social responses is removed from the jurisdiction of the criminal justice system. View in the Islamic Penal Code

We believe that the legislator has adopted a broad policy regarding the punishments prescribed for children and adolescents due to the special conditions governing their situation and the influence on the formation of their personality; From this point of view, by entrusting children and teenagers to their parents or guardians or legal guardians, taking the commitment to discipline and educate and take care of the good morals of the child or teenager, or handing them over to other natural or legal persons, it has adopted the principled policy of decriminalization.

Critical decriminalization

Critical criminologists in the form of social reaction criminology perspectives such as interactionist theory, state that the process of stigmatizing people through the strategy of criminalizing them or putting a criminal stigma on them is expanded (the main proponents, *ibid.*) Howard Becker in this The context states that deviance is not the quality of an act that a person commits, but on the contrary, it is a consequence of the application of rules and the guarantee of executions that others implement in the case of a criminal. In this sense, a crooked person is a person to whom this label has been successfully applied, and a crooked behavior will be a behavior that people have labeled in the same way and with this title (Becker, 1963). From this point of view, these criminologists admit that the society itself develops the territory of the intervention of the criminal system with new criminalizations that include the diversity and plurality of people's way of life and their different ways of living and thinking towards each other and the rulers. Limiting the space of free thinking and free living of citizens exposes them to becoming criminals (Najafi Ebrandabadi, 2008), and as a result, the notoriety and exclusion of people from the society also increases and provides the basis for committing crimes again by this group. slow down In this way, these criminologists want to use alternative mechanisms of the criminal justice system, such as decriminalization, which is becoming popular as one of the effects of limiting the scope of criminal law intervention and one of the important ways of curbing the criminal justice system.

In a simple definition, "decriminalization means removing the criminal label and title from an act or a behavior (Najafi Abrandabadi and Hashem Beigi, Pishn: 77) and includes the processes through which the "authority" of the criminal system to enforce the guarantee of executions as a reaction For some behaviors,

that is, for certain criminal behaviors, it is denied (Mehra, p. 333). Decriminalization, which seeks to explain the scope of the withdrawal of criminal rights through the complete elimination of the criminal description of the crime by the criminal justice system, which for some reasons comes to the conclusion that a behavior should not remain a crime and there is no need to impose punishment for It is not the face

It accepts, therefore, it removes the criminal description and leaves criminal behavior out of the scope of criminal regulations and leaves it to non-criminal institutions that have the possibility of non-criminal control. In this way, this process is applied either through the legislator, which is called formal and legal decriminalization, or it is carried out by other institutions, including the judiciary and justice enforcement institutions, which is called practical decriminalization. The main mission of criminal law at present is to control and manage the phenomenon of crime by finding suitable solutions and to use all its efforts to keep the crime constant or to reduce it, so that maybe by this means it can be gradually realized. Justice has taken a step in the society (Ghafari, 2006). In fact, the legislature has not only not succeeded in fighting the crime phenomenon in recent years, those who have been punished have also not been warned and have committed crimes again, which is reflected in some way. The reason for this is that the guarantee of criminal execution has not been able to fight crime and the criminal justice system has failed in dealing with this phenomenon. The lack of success of criminal law in dealing with crime is a problem that has pushed forward the strategic discussion of the withdrawal of criminal law and has forced the governments of some countries to use non-criminal methods.

Therefore, the need to realistically deal with issues related to crime in society in terms of its special sensitivity, as well as international relations and treaties that countries join at the level of the international community, make them in some cases inevitable to adopt a policy It decriminalizes (ibid.: 143). In this regard, it is the duty of the legislator to find the expectations of the society at any point in time and establish a criminal law based on that or remove the criminal title from the previous criminal titles in accordance with the needs of the time. Decriminalization is, in fact, an effort to tone down the violent culture of society (both the government and the nation) and move towards making the power's responses to anomalies and problems more civil (Mahmodi Janaki, 2007).

The general approach of decriminalization is to increase public rights and freedoms and opens a relatively open political, social, economic and cultural space for citizens. This process, which in the simplest definition is the removal of the criminal title from a behavior, and due to the concentration of work in the judiciary, lack of manpower, lack of facilities, lack of change in laws with the conditions and requirements of the time of congestion, lack of prisons and the high rate of the criminal population, has a negative effect. With the people as having had an undesirable behavior and the undesirable effects of labeling are adopted, it is necessary to remove the criminal titles by observing and considering the culture and values accepted by the people and by cultural work and preparing the people. And by using other ways and methods, he encouraged people to observe ethics and piety and used other solutions to prevent undesirable behaviors and to guarantee other executions in the majority of executive, administrative, civil, disciplinary guarantees. Police and health are resorted to. In fact, criminalization and decriminalization, which is basically within the jurisdiction of the legislator, except by paying attention to the requirements of time and place, the demands of the society, the progress and transformation of various aspects of social institutions will never reach the goal (Ghafari, previous: 156). It seems that in all cases of decriminalization, the connection of the chosen behaviors with the cultural and social conditions of each society should be considered, otherwise decriminalization may play an opposite role (Mohteshmi, p. 172).

In this way, through its conscious application, firstly, it can help to reduce the burden of the criminal justice system in areas that are not necessary for the security of the society, and secondly, it is possible to achieve proper coordination between the actions of different parts of the society (both formal and informal). It was achieved in the prevention of crimes (Pika, 1370). Basically, the proponents of decriminalization based on principles such as the need to reduce interference in individual freedoms, to remain immune from the negative consequences of criminal inflation and the increasing increase in criminal titles, to prove the inefficiency of the criminal justice system in dealing with crime, the requirements of time and place, and social transformations and developments, as well as the need Alignment with international forums justify

the necessity of resorting to this process. In general, today, one of the factors that may accelerate decriminalization is the acceptance of the fact that some behaviors are not undesirable and whether they are crimes or not is considered the same in the eyes of public opinion, so we must preserve the concepts of crime and delinquency for all types of behaviors that include the violation of the basic values of the society (Mehra, previous).

In Iranian laws, most of the criminal titles are related to miscellaneous laws that are related to the duties and powers of ministries and organizations. In the Islamic Penal Code, criminal titles are usually assigned to important and highly damaging behaviors, the direction of decriminalization is not aimed at them, but a wide range of criminal titles that are of little importance and it seems that in some cases, their place can be removed from the shoulders of the judiciary and left to other organizations and institutions (Mahmoudi Janki, previous: 340). In addition, in the Islamic Penal Code, due to the special basis of legislation in some cases as with the limits, which are considered the red line of society, and retribution, which are personal rights and the defense of the rights of individuals, the application of this rule is prohibited, and only in the field of punishments, considering the conditions, the possibility of applying this rule there is

In general, the fields in which there is a greater trend towards decriminalization today can be such as financial and economic crimes, traffic crimes, environmental crimes, drug crimes, moral and chastity crimes, health, treatment and Veterinarian pointed out. In addition to that, some believe that crimes without victims, such as loitering, vagrancy, drug use, etc., should be decriminalized, and to justify and prove their opinion, they provide reasons that are both philosophical and From a legal point of view, it can be examined in this way that from a philosophical point of view, man was created free and should live freely, and the scope of human freedom is also wide, and his only red line is "harm to others", and from a legal point of view, they also believe that a Human behavior should be considered a crime and punishment should be determined for it when that behavior includes harm to others (Rahami and Heydari, 2015).

Correctional institutions based on a critical view of criminal law

From there, critical views have a very significant impact on the acceptance of institutions and institutions of criminal law, here it is possible to analyze the reflections and how to enter the views of crime, especially with regard to the institutions prescribed in the Islamic Penal Code and the experience of some countries. A critical study of the criminal justice system of Iran. Due to the fact that in this law, reform institutions have found a special place and in some way critical views are more visible in them, emphasis is placed on this type of reform institutions.

Alternative punishments to imprisonment

Imprisonment leads to attaching some kind of criminal label to a person, and it leads to his isolation from society, stigma and social exclusion, and finally, acceptance of his criminal identity and profession. In addition to that, its bad consequences also involve his family and those around him. Today, many social, economic and psychological studies have revealed the dangers of this punishment (Pradel, 2008) and different countries have many strategies to limit or even abolish it under the title have adopted decriminalization.

In Iran, the de-imprisonment movement started about twenty years ago in the scientific and academic circles and then appeared in the form of a judicial movement, which means that since ten years ago, judges in some cases made articles 22, 728 of their documented punishment and 17 Islamic Penal Code was 1370 and along with the alternative use of imprisonment in this way, the gaps in the laws were filled (Babaei and Gholami, previous: 60). Finally, these measures of scientific and academic discourse in the field of de-imprisonment and the numerous disadvantages of imprisonment, made the legislator In the 11th chapter of the 4th Development Plan, which is related to the development of judicial affairs, in addition to Article 25, it obliges the judiciary to take advantage of the new methods of reforming and educating criminals in the society and to create a greater proportion between crime and punishment and the character of the criminal. prepare and present alternatives to imprisonment. This bill was drafted in 2004 under the title of Social Punishment Bill 17 and was submitted to the Islamic Council for approval, and after a long discussion

and consideration, it was finally included in the Islamic Penal Code under the ninth chapter under the title of punishments. Substitution of imprisonment was included in Articles 64 to 87. It is undeniable that the use of alternative punishments can be effective in reducing the size of the prison population. But it should not be assumed that alternative punishments are the only solution to the problem of the prison population. Because the proposed solutions to reduce the prison population in the new Islamic Penal Code, Articles 64 to 84, do not include all the above-mentioned prisoners and will only reduce a part of the prison population, i.e. those actually sentenced to prison. Resorting to alternative punishments of imprisonment due to their newness will definitely bring implementation problems, and as in some countries, including Western European countries, the alternative to imprisonment has been successfully associated with third world countries for various reasons, including the lack of financial resources, administrative corruption, etc. have been associated with problems (Ashuri, 2006). Therefore, as far as possible, one should avoid resorting to, implementing, and applying fruitless and useless punishments and start a real and continuous release of prisons, which is the same useful criminal science (Guderzai and Moqdadi, 2004). Article 64 of the said law considers the alternative punishments of imprisonment to include a period of care, public service, free fines, daily fines and deprivation of social rights. The status, character and background of the criminal, the status of the victim and other circumstances are determined and implemented.

The proposal to remove the plaintiff's waiver for the issuance of prosecution alternatives in the Supreme Court seems to be a worthy measure to smooth the conditions towards critical criminological approaches. Another important point is the separation of intentional and unintentional crimes, which seems not very acceptable. Because there are many non-intentional crimes that carry irreparable risks, and it is a problem to be able to issue an alternative to them with any amount of imprisonment they have. An example of this is the directive of the head of the judiciary regarding the possibility of using alternatives to imprisonment for doctors; While today, crimes and irreparable damages are caused by doctors, on this basis, it seems that the separation of intentional and unintentional crimes in the adoption of alternatives to imprisonment is a wrong domain for moving towards the realization of critical criminological perspectives. According to Article 71, it is prohibited to apply alternative punishments to imprisonment for crimes against the internal or external security of the country. Excluding one's own crimes, although it is rooted in the perspective of enemy-oriented criminal law, but it is in conflict with critical criminological perspectives, because sometimes even security criminals may deserve to be friends with the right and the law. It seems necessary to mention some points from the point of view of critical criminology regarding the regulation of Article 79 of Abedini in relation to free public services. First of all, this stipulation is in the last part of Article 79 of the regulations of this chapter after the approval of the regulation that is the subject of this article. It is possible that the procedure itself had created a double obstacle on the way to the implementation of alternatives to imprisonment. Secondly, according to Articles 8 and 9 of Regulation 19, it seems against the critical criminology approaches that the judge, in addition to the institution accepting the judge, is the supervisor of the execution of the sentence. For this reason, it seems necessary to explain the specific dignity of judicial authorities. According to Article 80, it can be seen that the legislator has temporarily followed the critical criminological point of view, because this article states that if the convict's compliance with the provisions of the court order indicates that he has reformed his behavior, the court can, at the suggestion of the judge, execute the sentences. reduce the rest of the punishment by half for once. As a criticism of alternatives to imprisonment, it should be stated that the mentioned examples are mostly social punishments, and the important point is that the purpose of social punishments is not necessarily to replace imprisonment. Therefore, being limited to imprisonment, even those examples that have other natures, is not compatible with the critical view of the design of alternatives to imprisonment in the form of social punishments. For this reason, the incomplete form has been accepted from a critical point of view.

Semi-liberal system

The semi-liberal system is considered as one of the new manifestations of decriminalization or incomplete decriminalization in the Islamic Penal Code, which, in addition to having a major role in reducing the criminal population and especially prisons, has a significant effect on maintaining the criminal's family

stability and reforming the criminal. On the other hand, it also guarantees the individuality of punishments (Fakhraei, 2014).

In fact, the findings show that applying the same single method for everyone in the prison cannot bring about the desired reformatory changes in the prisoners and it reveals the message that instead of applying the same single management method for everyone prisoners, it is necessary to use other models such as the semi-liberty system (to study the background of the semi-liberty system (Ardabili, Mohammad Ali, 1366: 177) (Sakhavat, 1382). Or at least he kept his work outside the prison environment during the day and spent the nights and holidays in the prison as close weekends (Ansel, 2011).

The Islamic Penal Code, by using the ideas of criminal lawyers and benefiting from the discourse governing international criminology as well as academic and scientific ideas in this field, recognized the system of semi-freedom in order to support criminals and their families as well as the society. The seventh chapter explains it in two articles. Article 56 of this law stipulates that the system of semi-freedom is a method according to which the convict can carry out professional, educational, vocational training, therapy, etc. activities outside the prison during the execution of the prison sentence. to give The implementation of these activities is under the supervision of the semi-liberty centers that are established in the organization of prisons and protective and educational measures, and its implementation has been deferred to the semi-freedom centers that are established in the organization of prisons and protective and educational measures. The movement towards the framework of critical criminology is to prevent the effectiveness of the beneficiaries of this system, from the environment and culture of round-the-clock institutions.

According to Article 57, in the five to seven degrees of penal imprisonment, the court issuing a final verdict can condition the plaintiff's pardon and depositing adequate security and commitment to carry out a job, professional, educational, vocational training activity, participation in the continuity of family life. or the treatment of addiction or illness which is effective in the process of correction or compensation for the damage caused to the victim, to place the convict under the semi-liberty system with his consent. Also, during the period of serving the sentence, the convict can request the issuing of a sentence of partial release if he has the legal conditions, and the court is obliged to process it. With the implementation of the institution of semi-freedom, it is possible to avoid many disadvantages of prison, such as: the social distancing of a person whose sentence is over, to prevent and speed up the reformation of the criminal, and to prevent the acquisition of administrative costs on the budget, and to protect the society from the results and The fruits of the work and service of the criminals benefited (Babaei and Gholami, previous: 74) and it is also possible to prevent the disruption of the criminal's family, emotional, occupational and social relationships. According to these considerations, taking into account that the convict is out of prison in some cases and engages in constructive activities, it is considered a kind of movement towards critical views, but at the same time, as we have mentioned about alternatives to imprisonment, the effectiveness of whatever Most of these institutions depend on the use of space and at the same time being regulated by the criminal justice system. Finally, it is necessary to pay attention to some of the articles of the new law of criminal procedure.

Articles 551 to 558 of this law have been assigned as the implementation of the suspension of the execution of the sentence of conditional release, the order of postponement of the sentence, the system of partial release and release under the supervision of electronic systems. In Article 553, it is stated that in crimes subject to the system of semi-freedom and freedom under the supervision of electronic systems, the judge of the execution of criminal sentences can, after receiving the report of the prison classification council and the opinion of the social workers of the deputy of the execution of criminal sentences, stating that the implementation of an activity Occupational or professional, educational, vocational training, participation in the continuity of family life or medical treatment, on the part of the convict outside the environment, prison is effective in the process of his reformation or compensation of the victim's losses, to the court issuing the sentence, to propose the implementation of the system of semi-freedom and freedom under the supervision of electronic systems according to the regulations on electronic proceedings and act according to the decision of this court. Therefore, the process of deciding to issue a semi-liberty system is possible through two channels, one through the request of the convicted person and the other through the proposal

of the judge of the execution of the sentences. Finally, it comes to the decision of the court judge whether he agrees with this decision or not. It is the judge's decision that determines whether critical criminology approaches will be effective or not. Before this, the existence of each condition provided an obstacle in the way of the implementation of the semi-freedom system. and this shows a kind of limited acceptance of critical criminological results. In any case, the implementation of the semi-liberal system requires an executive regulation, and in this regulation, many details and the manner of operations must be specified. This postponement of the implementation of this institution to its own regulation is a contradiction of critical criminological approaches.

Adjournment of judgment

One of the innovations of the Islamic Penal Code is included under the fifth chapter (Articles 40 to 45) under the title of postponing the issuance of a sentence. Adjournment in legal terms means delaying the issuance of a verdict

(Babaei and Gholami, previous: 70). In this establishment, a competent judge dealing with a criminal case can not issue the sentence of the accused whose guilt has been proven to the judge, if there are conditions, for a certain period of time and keep it suspended (Qiyasi, Heydari and Ashrafi, 1391) basically In addition to the fact that the institution of deferment can be considered as a suitable substitute for the deprivation of liberty punishment (Tahhi and Kore Paz, 2012). It is a very suitable institution to limit the scope of criminal interventions in order to avoid being labeled as a criminal and return the criminal to the society and rehabilitate him. The basis of the philosophy of the rule of postponement of sentence, in addition to being a kind of warning to unprecedented criminals and combating the criminal effects of prison, can also be justified by issuing the theory of labeling so that it prevents accused people from being labeled criminals (Ardabili, 2011). In postponing the sentencing without putting the label of conviction and guilt, which is the cause of secondary and pervasive delinquency in individuals (Williams et al., 2008), resocialization of the perpetrator is provided because during the postponement period, which is between six For months to two years, the perpetrator has been trying to show himself socially, and this issue will be effective in his future behavior, and the society will achieve its desired goal, which is to reform the perpetrator and prevent repetition of the crime, without spending a huge amount of punishment. . In fact, in this institution, due to the non-issue of a punishment sentence, even if it is suspended, the accused, especially teenagers and young people, are not labeled as criminals, and the perpetrator also sees himself as far from the criminal world, and this prevents the spread of criminal behavior in the perpetrator. (Qiyasi, Heydari and Ashrafi) and if it is used correctly in practice, it will keep criminals away from committing new crimes and help criminals to re-socialize and return to normal life in society and save money prison costs and society's use of the work and activities of criminals and reducing the number of repeated crimes.

Examples of strengthening preventive structures in jurisprudence and law

Secondary prevention of crime

In this type of prevention, actions are taken in relation to individuals and groups who are exposed to committing crimes and if no deterrent action is taken against them. They will commit a crime. Therefore, the purpose of this type of prevention is to identify potential criminals and intervene in our pre-criminal situation in order to prevent the occurrence of crime. The main difference between this example and the example of primary prevention is that in primary prevention, preventive plans and measures are aimed at preventing the occurrence of a situation that can cause a crime to occur, but in secondary prevention, it focuses on efforts and a situation that has already occurred. has come and caused individuals and groups to be on the verge of committing a crime (Roshadati, 2012).

Social prevention

Today, two conventional types of situational prevention and social prevention are of interest. Situational prevention has been defined as a preventive action aimed at the circumstances in which crimes may occur; and its purpose is to adopt an arrangement that makes the cost of committing a criminal act greater than the benefit for the perpetrator; Because according to the advocates of situational prevention, man is a

calculating creature and measures the benefits and harms of his actions (Gassen, 2010). Social prevention is a set of preventive measures that affect all the environments around a person that have a role in the socialization process and have a social function.

puts This crime prevention method focuses on complementary programs, efforts to improve the health of family life, education and training of people, housing, job opportunities and leisure time, etc. to create a healthy and safe environment with healthy people. In fact, social prevention, directly or indirectly, is influencing people's personality so that they avoid organizing their activities around criminal motives (Cottingham, 2014). Although Islam does not negate situational prevention, it places the main emphasis on social prevention. The essence of the Prophet's teachings is to nurture human beings who are good by nature, not that they do not commit crimes and sins due to the presence of external obstacles.

Achieving internal cultivation and morals, which is one of the goals of the mission of the Prophets, including Prophet Khatam (PBUH), is more compatible with the so-called social prevention model, which is based on education; Because in this model of prevention, the main goal is to dry the roots of crime in people's will and decision. one

A society in which only external obstacles and conditions prevent its people from committing crimes is not an ideal society in accordance with Islam. Islam insists on building people through education and character training.

The purpose of social prevention is to directly prevent people from becoming criminals, i.e., from becoming actual criminals, and to dissuade actual and potential criminals from immediate mistakes (Kenya, 2012).

Social prevention is divided into two parts: growth-oriented social prevention and community-oriented social prevention. Community-oriented social prevention is trying to take appropriate measures to eliminate or reduce the factors of crime on the social and public environment, such as the creation of recreational places or the construction of green spaces and the like. However, growth-oriented social prevention seeks to prevent delinquency by identifying risk factors, strengthening support and early intervention, especially in the case of children and teenagers (Najafi-Abrandabadi, 2017). In the social prevention of crime-oriented growth, this approach is to reduce the duration of people's presence in criminal activities and prevent them from turning to criminal activities and professions. This approach seeks to involve not only individuals, but also their personal and public environments in order to prevent the continuation of criminal behavior of people at risk; Therefore, growth-oriented social prevention seeks to lead problematic students to conform to social rules by studying children and adolescents and using appropriate support mechanisms in environments such as family and school. Therefore, the aim of this approach is to take early action, consider the process of socialization of people through the institution of the family, teach children and teenagers social skills, train teachers and school officials, and try to prepare people for a good life in the society by empowering them. Named (Niyazpur, 2007).

Police and his role in crime prevention

Police is a word that has been used with various concepts throughout history; Sometimes it is a reminder of the strength of the security of the rulers of the society, and another time it brings to the minds of the people the title of fighting against violations and crimes. The police is the most important and comprehensive tool of the government, which powerfully has a wide connection with the people in every alley and street and remote areas of the country. The police play their role in preventing crime by using appropriate information and attracting public participation through active and dynamic public relations, as well as establishing special regulations for people who are more prone to crime. On the other hand, the police is the first organization that victims communicate with to get support and ask for help in critical situations. In such a situation, the police is their helper and helper by respectfully accepting and treating the victims with compassion until compensation is paid. Regulating complaints, referring to social departments such as hospitals, employment and legal services, and preventing re-offending are among the protective measures of the police.

Religious prevention and its role in preventing crime

Protection and prevention of crime is the most important and effective way to fight crime. On the other hand, the foundations, theories, definitions for crime and delinquency lead us to ways to prevent crime and sin, the most important source of which is the new type of Quranic prevention that responds to today's needs and the problems created in the field. It is a crime and a sin. Using the Holy Quran, which is the most important source of education and training, we present, evaluate and analyze methods to prevent crime and sin.

As the most important and authoritative Islamic source, the Holy Quran pays special attention to the topic of crime prevention, even though the word prevention is not directly used in the Quran; But in an implicit way, many verses indicate this issue. For example, most of the verses forbidding evil, in some way, warn people against something, which is undoubtedly a kind of prevention of sin. If the existence of our police society is mixed with the teachings of the Holy Quran, it will be the best way to protect the employees and prevent the occurrence of crimes and sins among them.

The religion of Islam is interested in preventing reforms, and for this reason, before anything else, it has paid attention to the causes and grounds of sin and crime and to deal with them, it has realistically thought of all possible solutions.

The history of Quranic (religious) prevention precedes the prevention of criminal law and criminology. In the story of the murder of Abel by Cain, which is mentioned in verses 27 to 31 of Surah Ma'idah, the reason for the murder is declared to be the non-acceptance of Cain's sacrifice by God due to his impiety, the conflict between the soul and the nature, and the victory of the soul over the nature. Abel gives two reasons why he does not kill Cain:

First, because he is afraid of God, and second, because he does not want to commit sin by killing Cain and become a person of fire. In fact, the first lines of prevention appear at the beginning of human creation.

In the story of Hazrat Yusuf with Zuleikha, the translation of which is given below:

"That woman intended for him, and she would have intended for him if she had not seen God's proof. We did this in order to remove evil and prostitution from her, because she was one of our sincere servants" (Surah Yusuf, verse 24).)

Hazrat Yusuf's refusal to accept Zuleikha's request was clearly explained by the Qur'anic verses when the divine proof was revealed to him.

Allah Almighty's prohibition of killing the innocent children of the polytheists of Makkah, which was done by their fathers, confirms the Qur'an's preventive approach to preventing the commission of murder, even if the victim was the child of a polytheist or an infidel, and the prohibition of this crime by threatening Divine punishment will take place on the Day of Resurrection.

"It was asked for what sin the girl was killed alive in the grave" (Surah al-Takwir, verse 7).

Crime prevention factors in Islamic teachings

According to Islamic teachings, several factors are effective in preventing crime, including:

The role of monotheistic belief in crime prevention

Belief in God and remembering him and believing in his presence everywhere and in all situations and believing that we are all in the presence of God are among the most basic levers to prevent crime (sin), the role that this belief plays in human development. And suppressing the rebellion of animal instincts, nothing else has such an effect and role, and the power of believing in God and remembering him is more powerful than all other powers in eradicating crime. Police organizations and correctional institutions, with a lack of faith and spiritual support, can never succeed in reforming the individual and society. Police organizations and correctional institutions, even though they are strong and extensive, are not able to prevent hidden sins and can never play the role of enforcement guarantor in the investigation of sins in private, which includes a large part of sins (crimes). , but inner faith can play an unbreakable role in preventing people from open and hidden sins; Based on this, in the verses and narrations, faith is heavily relied upon to prevent sin (Najafi

Abrandabadi, 2002). "Allah knows because Allah sees" (Al-Alaq: 14) Doesn't man know that Allah sees all his actions? "Indeed, your Lord is watching" (Al-Fajr: 14): Surely your Lord is in ambush. "لَمْ خَائِنَةَ الْعُيُونِ وَ" (Ya: 42) "متخفي السُّدُور" (Ghafir: 19) God knows the eyes that turn to treachery. He knows and is aware of what is hidden in the breasts.

In the Qur'an, the word "Basir" (God sees) appears 51 times, and the word Sami (God hears) appears 49 times. These verses and content show that we are all in the presence of God. Wherever we do anything in private and even if we bring something in the recesses of our brain, God is aware of it and there is a sin lurking in the man.

The role of belief in resurrection in crime prevention

Qur'an is a book of human development and education, and in this way we see that the Qur'an pursues an important part of educational issues through faith in resurrection and paying attention to the account and book of resurrection. The Qur'an has mentioned about 1400 times about the issue of resurrection and its characteristics. More than one-sixth of the verses of the Qur'an invite people to the resurrection and the remembrance of the Day of Resurrection and the Book of Resurrection. Faith in resurrection means faith in an eternal life in which everything is calculated and ordered. Faith in resurrection means faith in receiving punishment and reward for the deeds we have done in this world; That is, none of our good and bad deeds will be destroyed or mortal, but man is dependent on his actions. The Qur'an declares that one day man will face his actions:

"On the day of the renewal of the whole soul, you did not do good immediately and you did not do bad Remember Allah's souls and Allah's Mercy on His servants" (Al-Imran: 30): The Day when everyone will have what he has done good and what he has done bad. The one who commits the crime is ready and wishes that there was a distance between him and those (bad deeds) and God will make you afraid of His punishment and God is merciful to His servants.

4-2-3- The role and effect of prayer in crime prevention

The most important and obvious effect that is considered for prayer is the effect of deterring and avoiding sin, and prayer, as an educational and identity-building factor, leads the worshiper towards correctness and correctness, and his ability to distinguish between right and wrong. And the mistake makes him fertile and creates in him a queen who warns him when he is faced with sin and makes him aware of the Lord and keeps him away from committing sin.

"And those who believe in what has been sent down to you and what we have sent down before you, and in the Hereafter, they also believe" (Al-Baqarah: 3)

Those who believe in the Unseen and establish prayer and spend from what We have provided for them.

"My Lord, make me a resident of prayer and one of the progeny of our Lord, and accept prayer" (Ibrahim: 40)

Here Abraham asks God to extend his favor to him so that he and a group of his descendants adhere to the religion and perform the prayer.

The effect of prayer from the perspective of the Qur'an

Regarding the Quranic documentation of the effect of prayer, we can refer to the following verses:

- 1- "Those who believe in the Unseen and establish prayer.. They are the prosperous" (Al-Baqarah: 3-5) This verse considers prayer as one of the reasons for achieving prosperity and salvation.
- 2- "And ask for patience and prayer..." (Al-Baqarah: 45) This verse also refers to the role and effect of prayer in helping people to achieve happiness and to deal with difficulties and hardships.
- 3- "Hafizwa وقوموا لله قانتين على السَّالَاتِ وَآلَةَ الْوَسْطَى" (Al-Baqarah: 238) Maintaining and persevering in establishing prayer and paying attention to the middle prayer is a prelude to standing humbly before God and worshiping. In this noble verse, the effect of prayer is expressed in the form of submissive and humble

worship, with a state of humility and a sense of humiliation before the Lord. Certainly, a person who is humble and submissive before God will never commit a crime and will not associate with God's enemies.

4- "Indeed, those who believe and do righteous deeds and establish prayer and give alms, their reward is with their Lord, and there is no fear."

Upon them, and they do not grieve" (Al-Baqarah: 277)

In this verse of Karima, performing prayer as a part of the duties of a believer (the righteous act of offering prayer and paying zakat) is considered to be the cause of reward from God and the elimination of fear, sadness and sorrow in man. A person who has reached a position where God rewards him and removes sadness and fear from his heart, surely with this status and status, he will no longer have the desire to sin and commit wrongdoing. .

5- "And the first prayer is that prayer forbids fornication and fornication" (Al-Ankabut: 45): And establish the prayer, which indeed is a prayer that removes and forbids fornication and evil-doing.

This verse, with the clearest expression and the clearest speech, considers the direct effect of prayer to prevent committing prostitution and vices, which includes all violations, crimes, and sins.

The effect of prayer from the point of view of hadiths

1- The Messenger of God (pbuh) said: "Let not the devil take away from the believers those who observe the five prayers, so they lose them."

For the sake of it" (Kilini Razi, 1401 AH: 269/3).

According to this enlightening word of the Messenger of God (pbuh), persistence in observing the five prayers will satisfy the cry of the devil and his fear and terror of the praying man, but wasting the prayer will cause the devil to attack the man.

2- Imam Sadiq (a.s.): A person who wants to know whether his prayer has been accepted by God or not should see if his prayer prevents him from sinning or deviating. As much as his prayer prevents him from fornication and debauchery, his prayer is accepted to the same extent (Majlesi, 1403 AH: 205/16).

The role of enjoining good and forbidding evil in crime prevention

In the school of Islam, people are educated in such a way that based on the education and training of a comprehensive religious worldview, after converting to Islam and having a correct understanding of Islamic teachings, faith and love and orientation towards the goals and

Religious ideals are formed in them, and finally, in the stage of piety and implementation of the practical limits of religion, the heavy burden of mission and universal responsibility is placed on the shoulders of all members of the Islamic society; In such a way that everyone has rights and responsibilities in front of each other, and the fate of the individual and the society are tied together in this social system, and their interests and corruptions are connected together. The important and universal duty of enjoining what is good and forbidding what is evil is raised in such a context, and it relies on a special basis and pursues specific goals.

and in any situation, according to the evidence, the book and the measure, this principle has played an effective role in the work of reforming women and men and all members of the society and has a special benefit. The Qur'an commands that:

"And let there be no nation of you who call to the good and command the known and avoid the evil and those who are prosperous (Al-Imran: 104) A group of you should call to the good and enjoin the good and forbid the bad, and they are the saviors.

Imam Ali (a.s.) says: "God has made faith obligatory in order to cleanse and purify (humans) from all kinds of polytheism, and to enjoin the good (pleasant and expedient deeds) for the sake of reforming the masses of people and forbidding evil." (ugly and indecent actions) which are corrupting for the individual and the

society, such as all kinds of crimes and sins, in order to prevent the members of the society from stupidity and stupidity" (Sayed Razi, 2004).

The verses about enjoining good and forbidding evil are revealed to prevent crime and the health of society. In fact, commanding good and forbidding evil means that the society is somehow not indifferent to the law-breaking of others and has self-respect; Therefore, this issue is more than a government issue, it is a people's issue so that people are sensitive to breaking the law of others.

In the eighth principle of the Constitution of the Islamic Republic of Iran, calling for good and enjoining what is good and forbidding what is bad have been predicted and announced as the universal and mutual duty of the people towards each other, the duty of the government towards the people and the duty of the people towards the government. . In any case, what emerges from the sum of the provisions, traditions and meaning of Article 8 of the Constitution of the Islamic Republic of Iran is that the implementation of good and forbidding evil in Islamic society is a good tool to prevent the occurrence of crimes and moral deviations. The government's responsibility in enforcing good and forbidding evil in the society will not be an obstacle for people to cooperate with the Islamic government in the way of ordering good and forbidding evil.

Because these doctrines not only cover the relations of citizens towards each other and consider each of them responsible and accountable to others, but also formalize the responsibility of citizens towards the government and the officials of various government departments. Shenasad (Haji Deh Abadi, 2013).

The role of altruism and charity in crime prevention

Another moral teaching that has the effect of deterring crime is giving money to needy people. Because experience has proven that a significant share of the crime statistics is caused by the poverty and material deprivation of the person who commits the crime, in such a way that although poverty is not the cause of the crime, it plays a major role in the occurrence of the crime. In some circumstances, it can be the source of pushing a poor person deprived of the minimum means of life to crime.

Therefore, in the verses of the Holy Qur'an, special ways have been provided to remove deprivation and meet the needs of the deprived classes of the society, the most important of which is spending money, meaning that a person can use what he has in addition to his needs. Give to the needy. On the occasion of the discussion of khums and zakat and its approval in reducing or preventing crime and the individual and social effects of these two duties and considering the fact that the practice of these two duties benefit people from the characteristics of spendthrifts and pious people. It makes, undoubtedly, the discussion of the effects of charity related to the effects of paying zakat, khums, and alimony of the persons liable for alimony also has some desirable aspects. Almsgiving has many individual and social effects. The individual effect of giving is closeness to God, which is mentioned in several verses. Verses 99 of Surah Towbah, 96 of Al-Araf, 104 of Repentance, 272 of Baqarah, 60 of Anfal, 39 of Saba and 92 of Al-Imran, 9 of Hashar, 177 of Al-Baqarah, 7 of Hadid and 261 of Al-Baqarah refer to this work (Qureishi, 2004). Removing sin is one of the important effects of charity, which is mentioned in verse 271 of Surah Al-Baqarah: If you reveal charity, it is good! And if you make them secret and give them to the needy, it will be better for you and it will cover some of your sins (and in the light of forgiveness in the way of God, you will be forgiven) and God is aware of what you do.

The role of hijab and chastity in crime prevention

The necessity of discussing hijab and chastity can be proposed and examined from different perspectives, as a Shariah ruling that is considered as a kind of individual duty before God, as a moral or behavioral issue that is significant from the point of view of psychology and educational sciences. , ... or a social necessity whose observance can prepare the moral background of the society, balancing the social relations between men and women. Looking at the hijab as a social necessity or providing security to social and family relationships means that even those who do not believe in the obligation of Sharia, cannot ignore the positive consequences of chastity and hijab; And the works of chastity and hijab can be examined not only as religious teachings, but also as extra-religious necessity for people who do not believe in religious

foundations. We cannot deny the possibility of moral problems and insecurities arising from the borderless communication between men and women at the level of society, problems and insecurities that affect the safety and peace of the family in addition to the society.

The effects of hijab and chastity on the development of social security are undeniable, in the sense that, since divine decrees are explained based on individual and social interests, internal needs, and external communications, if it is examined, debated, and researched, it will have a deep and profound effect. At the same time, he will be happy in life. One of these divine rulings is the hijab ruling, which, like other divine rulings, has many individual and social benefits, and knowing them and expressing them can help individual and social security.

Social preventive solutions

It is possible that some people think that human beings cannot be trained and reformed and are trapped in the torus of instincts or environmental and hereditary factors. Such a misconception is either a result of ignorance or an excuse to escape from responsibility (1390). Educational methods in religious teachings have a special variety, so we should first recognize the religious educational methods that have an effective function in social prevention of crime, the most important of which are:

Monitoring and monitoring

Most of the supervision by the authorities is preventive (prevention or treatment); That is, they monitor the organization and its people so that they don't do something wrong. This method is acceptable and its cost is less than the cost of treatment. In some cases, supervision has a therapeutic aspect; This means that the commander has observed a mistake and deviation in the organization and has given orders to fix it, and now he wants to find out if the people have tried to fix the problem or if they continue on their wrong path. No? (Qaemi, 2018) Careful monitoring and inspection, including programs and basic priority in the example of social crime prevention, which can be implemented at both public and government levels; At the popular level, it is considered as an example of enjoining good and forbidding evil.

The people are obliged to report the illegal and incorrect behavior of the executives to the ruler and the supervisory body, and today, an organization or branch is usually dedicated to this task in order to receive the reports of the people and also to supervise the work of the executives.

Mam Ali (pbuh) considers the inspector as the sharp eye of the government. It is natural that "a government that does not have a proper and strong inspection system is blind that does not see the defects and is immersed in the problems and corruptions" (Fazel Lankarani, 2016).

Education and general education

Considering that one of the preventive measures against the crime of education and public education, he gives his evidence about the encouragement of leaders to study science and awareness of the high status of science in the eyes of Islam by mentioning the verse "O man who was dead, he will revive us, and we will make him a light." We begin with the people who are hidden in the darkness without such an adornment for the unbelievers who act" (Al-An'am: 122) which says: "Is anyone who He was dead and we revived him (with the power of knowledge and faith) and with We have placed a light of knowledge on him so that he can walk among the people. Is he like someone who is immersed in the darkness of ignorance and has no way out?

Now we ask, does the Islamic state have the right to punish the ignorant if it has not fulfilled its duty, which is to educate the ignorant? Above, we saw that the Prophet called people to knowledge with encouraging words and considered it obligatory according to God's judgment, and since belief in God and religiosity are natural and instinctive, these encouragements and incentives are without Creating coercion and reluctance saves the people from the darkness of ignorance. Finally, the Islamic state is obliged to provide the facilities of education for everyone and through the mass media to convey the verses of God and the words of the religious leaders to everyone's ears. Show it in front of their eyes and by showing every phenomenon of creation which is a sign of God's signs, by means of mass communication media, make suitable words and

appropriate signs to be exposed to the audience. As we have seen, the method of Islam is based on popularizing knowledge based on encouragement and encouragement, but not in the way that people and leaders use it to put their words on the throne. In the thought of Imam Ali (a.s.), the fight against ignorance is one of the most basic programs. It is the prevention of deviation and destruction.

Imam Ali (a.s.) says about the fight against ignorance: "God did not take a pledge from ignorant people to learn, except when he took a pledge from the wise to teach" (Syderazi, 1384).

It represents one of the most important crime prevention techniques. The issue of providing the necessary information and increasing it

Today, public awareness is expressed in the form of measures and programs to combat illiteracy, free and compulsory education, the formation of educational courses and meetings, and it is considered among the most important duties of the government and public media. Aged and all are important in order to realize this (Rashad, 2012).

Affection

Research by criminologists has come to the conclusion that the most dangerous criminals are those who have not tasted love from their parents since childhood (Kenya, 2012).

This matter is exactly what Islam and Shia jurisprudence want, and the reason for that is the existence of hadiths and narrations about this issue, among which it is mentioned in the narrations that: A person came to the service of the Prophet (PBUH) and said, "I have not kissed a child until now, the Prophet." (PBUH) said: Whoever does not show mercy to others will not be shown mercy and compassion by others (Majlesi, 1403 AH: 43/29). Hazrat Amir emphasized kindness to children in his will to Imam Hassan (the same), which is obvious because of the bad effects of not showing love to children, which leads to committing crimes. Regarding how to prevent it, Islam, jurisprudence and Shia, introduce the warm heart of the family and expressing affection towards children, etc. as a preventive factor.

Prevention through the family

The preventive effect of the family in preventing crime is one of the most important ways to prevent people from deviating, internalizing the accepted values and norms of a society; So sociologists believe that there is a direct relationship between the level of acculturation and the reduction of deviance and crime in a society, and one of the reasons for the increase in the rate of deviance is the incomplete acculturation of people. Because a person, after accepting the norms, behaves according to that norm without reflection and thought, of course not because of the fear of being criticized by others, which is considered a kind of external supervision; Rather, he does it because of some kind of unconscious internal monitoring.

For this reason, sociologists believe that the formation and construction of a person's personality is affected by acculturation and socialization and state that one of the most important results of socialization is the creation of individual personality and relatively fixed patterns of thought. It is feeling and action that are considered the characteristics of a person.

Therefore, the family plays the main and first role in the education of people; So, the first stage of people's acculturation starts from the institution of the family. The religion of Islam attaches great importance to the institution of the family in raising children, especially in the early stages of life, and considers the young heart and soul as a suitable platform for accepting any type of education and compares it to a suitable ground for growing any type of seed.

Associating with good and righteous people

Undoubtedly, one of the most important methods of training is to sit with good friends. The type of human communication and socializing with other people has a high educational effect, and a significant part of traits is formed through interaction with others; So, in the field of education, if we make it possible for students to be in the presence of righteous and pure people, we have provided a better opportunity for education (Malaki, 2010);

Therefore, a person is made in association with righteous people. Teachers and trainers should try to provide the necessary conditions for students to be in the presence of worthy people or invite worthy and righteous people to be present in the company of students (Motahari, 1374). Commands and prohibitions and harsh treatment cannot force a student to become friends with certain people or to end his friendship with certain people; Rather, this work requires the subtleties and observance of educational and psychological techniques so that the trainers can provide a platform even without the students (especially teenagers) being informed, so that in the process, the students will distance themselves from bad friends. and make friends with good friends (Qawam, 2018).

Conclusion

In this article, we came to the conclusion that according to the examples of pathologies described in this research, victims of pressures related to structural opportunities and cultural processes that do not allow them to achieve specific goals commit crimes. The duty of the government and the public authorities in relation to the issue of crime and the pathology of preventive structures is not only punishment, but the governments are obliged within the framework of the principle of the rule of law and the principles of fairness and based on the duty of protecting the citizens of the society. Timely measures should be taken to identify these damages and prevent injury and damage to people and financial institutions. When defects are revealed, corrective work may be necessary to correct them. This detection does not always happen easily. It happens that it is not always clear what is a defect or what caused the defect, for example, sometimes the defect of a building is a combination of various problems such as design and functional defects, and sometimes it is visible in the form of a critical criminology of damage. Structural pathology does something that most people can't even understand, they try to identify, control and fix a damage, so to carry out the process of structural pathology, it needs to be repaired, reconstructed and renovated (Cesar, 1856: 95). Prevention is one of the practical and important topics in all sciences, including criminology. This branch of criminology, while examining the factors (social situation) of the criminal phenomenon by presenting preventive measures and solutions, tries to identify and Crime prevention has today the pathology of preventive structures and the importance of crime prevention on all governments, especially the police and judicial organizations and executive bodies, on the other hand, the increasing development of science and the emergence of new technology, in addition to the positive impact Life's problems also cause harm that if not identified, will cause a lot of problems (Preventive Criminology, Moghimi, 2018). government agencies and organizations with the approach of identifying and reducing social, cultural, political, economic and organizational harms, networking of non-governmental organizations active in all fields with the aim of providing services and reducing structural harms, compiling and proposing and implementing programs related to the identification and repair of damages, providing social and economic services and religious and cultural training in order to reduce the identified damages, identifying and using active local groups and producing content for prevention, providing targeted trainings in the regions He did poorly and harmfully.

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