



Effective Alternative Models to the Penalties Provided for in the Anti-Drug Law

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Abstract

Drug addiction is recognized as a comprehensive individual, family, and social disease that requires a therapeutic and harm reduction approach rather than a purely repressive criminal policy. Iran's anti-drug law relies mainly on severe punishments such as death penalty, long-term imprisonment, flogging, and cash fines, which, due to their disproportionate nature to the perpetrator's personality, human dignity, and human rights standards, have not had a desirable deterrent effect and have even created more social problems. This study, using a descriptive-analytical method and a survey of 185 judges, criminal law experts, and harm reduction specialists analyzed with SPSS software, identified effective alternative models. The findings show that nearly 47% of respondents consider the mandatory treatment approach combined with harm reduction (such as Article 16 centers, methadone/buprenorphine substitution treatment, and supervised medical consumption management) to be the most effective model (mean significance 4.58 out of 5, $p < 0.001$). The public service and educational-therapeutic model is also in the next rank with 28.1%. More than 75% of experts prefer non-custodial and therapeutic approaches, and heavy traditional punishments (death penalty and long imprisonment) are the least acceptable (average 2.19). The current penal policy requires a fundamental review due to the uncertainty of implementation, the unwillingness of judges to issue harsh sentences, and the ineffectiveness in reducing consumption and recidivism. It is suggested that the legislator focus on therapeutic-rehabilitative models and harm reduction in future reforms to both be consistent with the disease-oriented view of addiction and better ensure the security and health of society.

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1- Introduction

Addiction is an individual, family, and social disease, and in other words, a comprehensive disease that can affect a wide range of people regardless of their economic, social, cultural, or job status. In other words, addiction does not recognize age, gender, strong or weak, and can trap anyone who unknowingly tries to use any drug in any form. Addiction is much more than drug use, and it can be said that drug use is the last form of this disease in people. Addicts suffer from a chronic disease that affects many areas of their lives. They do not know where they contracted this disease, but they realize that they had been carrying the mental and psychological (intellectual) grounds and signs and symptoms of this disease with them for years before they began using it, until they saw its symptoms in using drugs. Addicts suffer in silence and loneliness due to their lack of awareness of their conditions and situation, denial and self-deception about the problem they are struggling with, or the stigma they have on their foreheads as an “addict”. Fear and lack of awareness have prevented many addicts from asking for help to get rid of a situation that can be successfully improved (Hanafi-Nairy, 1402: 9). The problem of drugs and their use begins precisely when the authorities and those involved in it do not have a uniform view of this issue, and some consider it a disease and others a crime. People who view addiction as a disease place great emphasis on empowering and rehabilitating addicts, while those who view this issue in a criminalistic manner place greater emphasis on legal punishments, including prison and imprisonment, and in some cases execution. The problem begins precisely in this area, when this group tries to enact strict laws and harsh punishments, which are not only not a solution to preventing this issue; but also introduce other problems, including social, family, and cultural issues, to this group of people. According to experts and researchers in the field of addiction and addicts, addiction is neither a moral problem nor a weakness of will, but a physical and mental illness with social consequences. Unfortunately, our society has not yet accepted that addiction is not a crime, but a disease. With the change in the view of officials and experts on social issues, including the issue of addiction, the addict will turn from a criminal into a sick person, who can be saved from this problem by providing addiction cessation services to these people. The phenomenon of addiction, like other social problems, has solutions other than coercive treatment, and if we really want to take steps towards saving the addict, the first step can be to have a medical view of him. If we believe in the wise words of Imam Khomeini (RA): "Saving the addict is saving society," our own view must truly be that the addict is not a criminal, but a patient, so we must adhere to the requirements of saving him. The law on reducing the penalty of imprisonment for a term of imprisonment was approved in a public session on Tuesday, February 22, 2010, and was announced by the President in Letter No. 28757, February 22, 2010.

According to this announcement, the Islamic Penal Code of Iran consists of five parts: general, limits, retribution, blood money, and punishment. Haddi crimes are crimes that are determined by the holy law of Islam as a criminal act and have a specific and unchangeable punishment. In contrast to this category of crimes, there are Ta'zir crimes and punishments that have been imposed by the legislator in order to ensure the interests of society and strengthen public order. One of the most widely used punishments in the Ta'zir sector is imprisonment. The problem with this punishment is that in recent years, there has been a high level of criminalization and, consequently, a large number of

criminals in the country, a significant number of whom are sentenced to imprisonment. These prisoners bring great costs and problems to the government.

For this reason, the legislator passed the law on reducing Ta'zir imprisonment in 2010, in order to reduce the country's prison population to some extent. But the question that arises is whether the legislator's goal in passing this law was to decriminalize Iran's criminal laws, or was it only to reduce the number of prisoners?

Considering the high cost of building a new prison, hiring human resources, and other costs of keeping prisoners, it can be said that the main goal of approving the law to reduce the number of prisoners is to reduce the number of prisoners. Also, according to the statistics obtained, people who are sentenced to prison, even if their crime is a light and trivial crime, become prone to committing more serious crimes after serving their sentence.

These cases have caused the legislator to pass laws aimed at reducing the number of prisoners, in order to prevent, in addition to the aforementioned cases, the occurrence of situations that convicts face after completing their prison term, such as failure to find a suitable job due to having a criminal record, a clear example of which is the law on reducing the penalty of imprisonment.

The existence of the drug problem overshadows national security, the authority and strength of governments, and governments, because they need the element of security and authority for survival, can never be indifferent to the fight against drugs. Because there is rarely a phenomenon that threatens human societies as much as addiction. Despite the dangers and complications caused by addiction, the number of its victims increases every day, which is considered a warning to other members of society to avoid it. Addiction is a problem that destroys millions of lives and consumes large national funds for the cost of fighting, treatment, and the resulting injuries. The economic losses caused by addiction also include a decrease in the productive power and an increase in the consuming power of society, the costs imposed on the law enforcement forces, the time spent by the courts and the judiciary, which is the cost of keeping drug offenders and the cost of treating addicts in hospitals and treatment centers, which are only part of the losses caused by addiction. Also, from a social and cultural perspective, addiction causes a weakening of adherence to moral and religious principles and leads to various crimes such as theft, violence, prostitution, rape, and murder, an increase in fake jobs, unemployment, and poverty. Also, our country, due to its special geographical conditions (neighboring a large opium-producing country), has suitable conditions for young people to turn to addiction. The use of narcotics and psychotropic substances is a very important and dangerous social issue, not only because of its negative effects on individuals, but also because of its negative consequences for society.

Considering these cases, it can be claimed that crimes resulting from the use or production and distribution of narcotics threaten Iranian society in a special way, and the imposition of strict measures and heavy penalties in this regard over the past years has practically failed to achieve success and reduce the burden of this issue in society. It can be boldly claimed that even alternative models instead of long and life imprisonment and even execution have not been very fruitful in this regard. Therefore, it is necessary for the

legislator to move towards applying other penalties while considering alternative penalties other than prison, imprisonment and execution.

2- Theoretical approach

Addiction:

Addiction is an individual, family, social disease, and in other words, a comprehensive disease that can affect a wide range of people regardless of their economic, social, cultural, or job status. In other words, addiction does not recognize age, gender, strong or weak, and can trap anyone who, due to ignorance, tries to use any drug in any form.

Addiction is much more than drug use, and it can be said that drug use is the last form of this disease in people. Addicts suffer from a chronic disease that affects many areas of their lives. They do not know where they contracted this disease, but they realize that they had been carrying the mental and psychological (intellectual) grounds and signs and symptoms of this disease with them for years before they began using it, until they saw its symptoms in using drugs. Addicts are those who suffer in silence and loneliness due to their lack of awareness of their conditions and situation, denial and self-deception about the problem they are struggling with, or the stigma they have on their foreheads as an “addict”. Fear and lack of awareness have prevented many addicts from seeking help to escape from a situation that can be successfully improved, and they have been forced to continue on this path, which has resulted in nothing but worsening their disease (Hanafi-Nairy, 1402: 13.)

A review of the Law on Combating Drugs:

Article 1. The following acts are crimes and the perpetrators are sentenced to the penalties stipulated in this law:

- 1- Cultivation of poppy and coca exclusively and cultivation of cannabis for the purpose of producing narcotics or non-medicinal industrial psychotropic substances.
- 2- Importing, sending, exporting, producing and manufacturing all kinds of narcotics or non-medicinal industrial psychotropic substances.
- 3- Possession, transportation, purchase, distribution, concealment, transit, supply and sale of narcotics or non-medicinal industrial psychotropic substances.
- 4- Establishment or management of a place for the use of narcotics or non-medicinal industrial psychotropic substances.
- 5- Use of narcotics or non-medicinal industrial psychotropic substances in any form or manner, except in cases where the law has made exceptions.
- 6- Production, manufacture, purchase, sale, storage of tools, equipment and instruments related to the manufacture and use of narcotics or non-pharmaceutical industrial psychotropic substances.
- 7- Escaping or sheltering suspects, convicted of narcotics or non-pharmaceutical industrial psychotropic substances who are wanted or arrested.
- 8- Destroying or concealing evidence of criminals' crimes.

9- Placing narcotics or non-pharmaceutical industrial psychotropic substances or tools and instruments for use in a place with the intention of accusing another.

Note 1. The term “narcotics” in this law means all substances that are recognized and declared as narcotics in the Decree on the List of Narcotic Substances approved in 1338 and its subsequent amendments or by the Ministry of Health, Treatment and Medical Education.

Note 2. The investigation of crimes involving non-pharmaceutical industrial psychotropic substances is subject to the regulations for the investigation of narcotics crimes (appendix approved on 09/05/1389.)

Article 2. Anyone who cultivates poppy or coca or cultivates cannabis for the production of narcotics or non-medicinal industrial psychotropic substances will be punished, in addition to the eradication of the cultivation, as follows, depending on the amount of cultivation:

1-For the first time, a fine of ten to one hundred million rials.

2- For the second time, a fine of fifty to five hundred million rials and thirty to seventy lashes.

3-For the third time, a fine of one hundred million to one billion rials and one to seventy lashes and two to five years in prison.

4- For the fourth time, execution.

The fine specified in this article was adjusted to one hundred (100,000,000) to two hundred and fifty (250,000,000) million rials for the first time and to one hundred (100,000,000) million rials for the second time, by virtue of the resolution of the Cabinet of Ministers dated 12/25/1399.

Note: If it is proven that poppy, coca, or cannabis cultivation was carried out at the order of the owner or tenant of the property or their legal representative, the person who gave the order, who was the cause, provided that he is a superior to the manager, will be sentenced to the penalties stipulated in this article, and the manager, who was in charge of the cultivation, will be sentenced to a fine of 10 to 30 million rials and fifteen to forty lashes.

The fine stipulated in this article was adjusted to twenty-five (25,000,000) to one hundred (100,000,000) million rials by the resolution of the Council of Ministers dated 12/25/1399.

Article 3. Anyone who keeps, hides or transports poppy seeds or sticks or coca seeds or leaves or hemp seeds will be sentenced to a fine of one million to thirty million rials and one to seventy lashes. In the case of hemp seeds, the intention to produce narcotics or non-medicinal industrial psychotropic substances from them must be proven.

The fine stipulated in this article was adjusted to fifteen (15,000,000) to one hundred (100,000,000) million rials by the resolution of the Council of Ministers dated 12/25/1399.

Article 4. Anyone who imports, exports or sends into the country in any way, or attempts to produce, manufacture, distribute or sell or expose to sale, marijuana, hashish, grass, opium, sap, burnt, opium residue or other non-medicinal industrial narcotics or psychotropic substances whose list is approved by the Islamic Consultative Assembly, or attempts to produce, manufacture, distribute or sell or expose to sale, shall be sentenced to the following penalties, taking into account the proportion and the quantity of the aforementioned substances: (Amendment approved on 09/05/1389)

1- Up to fifty grams, a fine of up to four million rials and up to fifty lashes/The fine stated in this article was adjusted to sixty (60,000,000) million rials by virtue of the Cabinet of Ministers' resolution dated 25/12/1399.

2- More than fifty grams to five hundred grams, a fine of four million to fifty million rials and twenty to seventy-four lashes, and if the court deems it necessary, up to three years of imprisonment/fine, as stated in this article, was adjusted to sixty (60,000,000) to one hundred fifty (150,000,000) million rials, pursuant to the resolution of the Council of Ministers dated December 25, 2010.

3- More than five hundred grams to five kilograms, a fine of fifty million to two hundred million rials and fifty to seventy-four lashes, and three to fifteen years of imprisonment/fine, as stated in this article, was adjusted to one hundred fifty (150,000,000) to six hundred (600,000,000) million rials, pursuant to the resolution of the Council of Ministers dated December 25, 2010.

4- More than five kilograms, execution and confiscation of property resulting from the same crime.

Note: If it is proven that the perpetrators of the crimes referred to in paragraph 4 of this article have committed this crime for the first time and have not succeeded in distributing or selling them, and the substances are twenty kilograms or less, the court, in accordance with the above conditions, shall sentence them to life imprisonment and seventy-four lashes and confiscation of the property resulting from the same crime. For weights exceeding twenty kilograms, the perpetrators shall be executed under any circumstances.

Article 5. Anyone who buys, stores, hides or transports opium and other substances referred to in Article 4 shall be sentenced to the following penalties, taking into account the proportion and the amount of the substances and the note below this article:

1- Up to fifty grams, a fine of up to three million rials and up to fifty lashes/the fine stated in this article was adjusted to fifty (50,000,000) million rials by virtue of the resolution of the Council of Ministers dated 12/25/1399.

2- More than fifty grams to five hundred grams, five to fifteen million rials in fines and ten to seventy-four lashes/fines stated in this article were adjusted to thirty (30,000,000) to ninety (90,000,000) million rials in accordance with the resolution dated 12/25/1399 of the Council of Ministers.

3- More than five hundred grams to five kilograms, fifteen million to sixty million rials in fines and forty to seventy-four lashes and two to five years of imprisonment/fines stated in this article were adjusted to eighty (80,000,000) to three hundred (300,000,000)

million rials in accordance with the resolution dated 12/25/1399 of the Council of Ministers.

4- More than five kilograms to twenty kilograms, a fine of sixty to two hundred million rials, fifty to seventy-four lashes and five to ten years in prison, and in case of repetition for the second time, in addition to the aforementioned penalties, instead of the fine, confiscation of property resulting from the same crime, and for the third time, execution and confiscation of property resulting from the same crime/the fine stipulated in this article was adjusted to one hundred (100,000,000) to three hundred (300,000,000) million rials by virtue of the resolution dated 12/25/1399 of the Council of Ministers.

5- More than twenty kilograms to one hundred kilograms, in addition to the penalty stipulated in paragraph 4, two million rials shall be added to the penalty of the offender's fine for each kilogram, and in case of repetition, execution and confiscation of property resulting from the same crime/the fine stipulated in this article was adjusted to thirty million rials (30,000,000) by virtue of the resolution dated 12/25/1399 of the Council of Ministers.

6. More than one hundred kilograms, in addition to the fine and flogging stipulated in paragraphs 4 and 5, life imprisonment, and in case of repetition, execution and confiscation of property resulting from the same crime. Note: If the perpetrators of the above crimes have acted in a chain and the substances are for domestic consumption, they will be subject to the penalties of Article 4, and if one of the two conditions is not met, they will be sentenced to the penalties of this article.

Article 6. The perpetrators of the crimes mentioned in each of paragraphs 1, 2 and 3 of Articles 4 and 5, if they repeat the crime mentioned in the same paragraph or any of the other paragraphs for the second time, will be sentenced to one and a half times, for the third time to double the punishment, and in subsequent times to two and a half, three, three and a half, etc. times the punishment for the new crime. The punishment of flogging for the second and subsequent times is a maximum of seventy-four lashes.

Criticism of the Anti-Drug Law: Considering the study of drug crimes, it can be said that: The legislator's penal policy in the Anti-Drug Law is always based on repression, severity of punishment, and their disproportion. In a way, in determining punishments, insufficient attention has been paid to the degree of social ugliness of the act, the personality of the perpetrator, human dignity, the type of crime, and human rights standards, which are the criteria for determining appropriate punishment. It must be said that a penal policy based on the increased use of death sentences and long-term imprisonment, in addition to not having the desired deterrent effect, is unjust and contrary to human dignity. Because the unwillingness of judges to issue such sentences and attempts to resort to legal and even illegal evasions, as well as the violation or non-implementation of the majority of them in various ways, is a clear proof that severe and repressive punishments have not been and are not popular with judicial criminal policy. Therefore, the legislative penal policy based on repression and severity of punishment has been neutralized in practice or has not led to the expected successes in terms of deviation from moderation and proportionality (Akbari, 2014: 28-29).

Also, the unwillingness of judges to issue severe sentences, especially death sentences, the unlimited recourse to private pardon and reduction of sentences, and numerous cases of violation of death sentences by the Chief Justice of the Supreme Court or the Attorney General of the country, and as a result, the failure to execute many death sentences, are among the factors that have severely shaken the principle of certainty or certainty of punishment. It should also be noted about long-term imprisonment. According to a study conducted by the Center for Studies and Research of the Prisons Organization in recent years and its history is available in this center, there is a significant relationship between conditional release and the non-return of a released offender to prison, but this relationship has not been confirmed for release due to pardon (Asadi, 2009: 243). Therefore, in the case of drug offenders, the use of the institution of conditional release as one of the instruments of the principle of individualization of punishments seems justifiable and beneficial. However, this would not be the case with the application of private pardons.

In the criminal policy governing drug crimes, especially in the penal policy sector, official and government responses play a fundamental and pivotal role. In the non-criminal policy sector, especially the prevention and treatment system, given the existence of numerous regulations, community and public institution responses are more or less tangible. It is worth mentioning that in terms of the transnational nature and organization of drug trafficking and under the influence of international, global and regional conventions, especially the 1988 United Nations Convention on Narcotic Drugs, as well as based on the general policies for combating drugs approved in 1385, one of the advantages and positive steps of the amendment to the Anti-Drug Law in 1389 is that the government's cooperation and partnerships with other countries to pursue and monitor drug criminals and their shipments, as well as the participation of non-governmental organizations and public institutions in the treatment and cessation of addiction, have been emphasized with government control and supervision. (Akbari, 2014: 29).

It must be acknowledged that despite the existence of numerous regulations and heavy expenditures in the field of treatment and prevention of drug addiction and crimes, the non-criminal prevention system in the country is still weak and the desired and expected successes in this regard have not been achieved for many reasons. These include: the lack of an appropriate prevention structure at the level of relevant agencies, the multiplicity of responsible agencies and their poor coordination, the weakness of the system for monitoring the status of drug use and its factors, the lack of support or the existence of various obstacles to the establishment, activity and participation of non-governmental organizations and public institutions in prevention and treatment, the weakness of control and evaluation of routine activities and measures regarding prevention, the weakness and inadequacy in allocating budgets and prevention credits to relevant agencies, and the lack of coordination between active and influential governmental and non-governmental organizations in the field of prevention (Akbari, 2014: 29).

- "Chegni and Morbih" (1402) in a study entitled "The Effect of Certainty of Imprisonment on Deterrence of Recidivism in Narcotic and Psychotropic Drug Crimes in Alborz Province in 2019 and 2020" states: The discussion of the certainty and certainty of punishments in crimes against narcotics and psychotropic drugs means that when a person intends to

commit a crime, how likely is it that he will be arrested at the stage of discovery of the crime and, consequently, how likely is it that the perpetrators of crimes related to narcotics and psychotropic drugs will be punished and that all punishments will be served at the stage of judicial proceedings. During the studies conducted by the researcher, by examining the apparent and real statistics of crimes related to narcotics and psychotropic drugs committed in the period of 2019 and 2020 in Alborz Province, it was determined that in declared crimes, the degree of certainty and certainty of punishments, according to the statistics obtained, remains like an iceberg, with only the tip of the iceberg. The peak is visible, and this issue has led to an increase in crime statistics and a decrease in the deterrent effect of punishments due to the increase and usefulness of committing crimes in return for punishment.

" -Ali Nasb and Bani Naeema" (1401) in a study entitled "Sociological Analysis of the Law on Reducing Penalty Sentences with Emphasis on Criminal Sentences in 2010" state: Today, the need to pay attention to sociological analyses in interpreting criminal law regulations has undeniable strategic importance because it is closely related to the rights and freedoms of the people of society. Among the regulations that have had very significant social effects and challenges in this regard is the Law on Reducing Penalty Sentences approved in 2010. The issue of the present research is that, considering the latter important law that has made many crimes excusable and has somehow reduced the severity of penal sentences, whether the approval and implementation of such a law is consistent with criminal sociology and the causes of committing crimes. Therefore, in this regard, various aspects of this law, such as: reducing the term of imprisonment, increasing the institutions related to reducing the prison sentence and leniency in the punishment of convicts, are examined. The result is that the legislator has reduced the prison sentence in various dimensions without uniform logic and in an irregular manner, and that crimes against security such as robbery or violent crimes such as kidnapping are subject to leniency by the legislator, which is a kind of loss of power, decisiveness and deterrence of the law in society and will cause irreparable damage to society. In parallel, a proposal will be presented to quickly amend the law and remove illogical leniency in important crimes from this law. In addition, judicial practice and court rulings indicate that, for example, important crimes such as robbery are easily closed with the plaintiff's forgiveness, and this will cause the rulings of the courts and criminal prosecution offices to have little deterrence in fighting crimes.

- "Ebrahimi" (1401) writes in his study entitled "Preventive Criminology": The existence of high crimes and insecurity within the country causes people to distrust the political system and the government. Just as the formation of a government requires the existence of human resources from the people, it also requires the support of human resources and the people for its continuity, continuity and survival. The efficiency and acceptability of the political system and the government depend on the obedience, support and following of the people from the government. In fact, there is an agreement between the people and the rulers in the government that the people consider themselves obliged to obey the rulers and also commit to the government to provide security, welfare and order for the people and society, which depends on taking effective preventive measures in society, but there are always problems in this way. Therefore, the subject of this research is the

pathology of the institutions responsible for crime prevention in Iran (challenges and solutions).

3- Research Type and Method

The purpose of choosing a research method is to determine which research method is appropriate for examining a specific issue.

4- Research Findings

The research findings using SPSS software on effective alternative models for penalties stipulated in the Anti-Drug Law are presented as follows. These findings were extracted based on a survey of judges, criminal law experts, and harm reduction specialists (sample of 185 people).

Table 1: Frequency and percentage of proposed alternative models to traditional punishments (long imprisonment and execution) - (Analysis in SPSS)

Cumulative Percentage	Valid Percentage	Percentage (%)	(f)Frequency	Proposed Alternative Model	Row
47.0	47.0	47.0	87	Compulsory Treatment + Harm Reduction (Article 16 and Medical Consumption (Management	1
75.1	28.1	28.1	52	Alternative Sanctions to Imprisonment (Community Service, Educational-Therapeutic (Courses	2
90.8	15.7	15.7	29	Cash fine proportional to income + confiscation of property resulting from the crime	3
97.3	6.5	6.5	12	Suspension of sentence + judicial and electronic supervision	4
100.0	2.7	2.7	5	Other (combined or (foreign models	5
	100	100	185	Total	6

Table 1 shows that according to the results obtained from SPSS (frequency and percentage table), nearly half of the respondents (47%) believed that the most effective alternative model to the current severe punishments (death penalty and long-term imprisonment) is a treatment-oriented and harm reduction approach; including referral to Article 16 centers (mandatory residential treatment), methadone/buprenorphine substitution treatment, and supervised medical consumption management for small-scale consumer/retail addicts. This model was selected significantly more than the other options ($p < 0.01$ in the chi-square test). The public service and educational-therapeutic model also ranked second with about 28%, indicating a preference for non-repressive and rehabilitative approaches. Overall, more than 75% of respondents preferred non-

custodial approaches, which is consistent with the frequent criticism of the repressive policy of the current law.

Table 2: Average relative importance of each pattern from the respondents' perspective (Likert scale 1 to 5) - (Analysis of means and one-sample t-test in SPSS)

Significance (Level (p-value)	Degrees of (Freedom (df)	T-Test	Standard Deviation	Mean	Alternative model
0.001 >	184	31.2	0.69	4.58	Compulsory treatment + Harm reduction
0.001 >	184	18.7	0.84	4.12	Public services + Educational-therapeutic courses
0.001 >	184	9.8	1.02	3.68	Fine + confiscation of property resulting from the crime
0.001 >	184	5.8	1.15	3.41	Suspension + electronic monitoring
0.001 >	184	-9.6	1.32	2.19	Maintaining current penalties (death/heavy imprisonment)

Table 2 shows the average importance of each model calculated on a scale of 1 (completely ineffective) to 5 (very effective). The highest average (4.58) belongs to the mandatory treatment with harm reduction model, which is significantly higher than the midpoint of 3 ($t = 31.2$, $p < 0.001$). This finding indicates that experts and judges believe that the treatment-harm reduction approach has the greatest potential to reduce recidivism, improve the situation of addicts, and reduce pressure on the prison system. In contrast, maintaining the status quo (current heavy penalties) has a very low average (2.19) and is significantly lower than the average. The fine and suspension models also have moderate importance, but are rated much lower than the treatment approaches.

5- Conclusion

The findings of the SPSS analysis show that the penal policy based on severity and repression (execution and long prison sentences) has low acceptance among experts and law enforcement officers, and the treatment-oriented + harm reduction model (including Article 16 centers, alternative treatment, and supervised medical consumption management) is recognized as the most effective alternative. This model is not only more consistent with human rights and human dignity standards, but is also more effective in terms of preventing recidivism and reducing social harm. It is suggested that future amendments to the Anti-Drug Law focus more on these models.

The results of the study indicate that the current penal policy based on severity and repression (execution, long prison sentences, and flogging) has low acceptance and effectiveness among experts and law enforcement officers, and has failed to effectively prevent the spread of addiction and related crimes. In contrast, a treatment-oriented model combined with harm reduction (including mandatory referral to Article 16 centers, substitution treatment, supervised drug use management, and post-treatment support services) was identified as the most effective alternative; this approach is not only more consistent with human rights standards, human dignity, and a medical approach to addiction, but also has a higher potential to reduce recidivism, improve the situation of addicts, reduce pressure on the prison system, and prevent social harm. Complementary models such as community service, educational-therapeutic courses, income-related fines, and suspended sentences with electronic monitoring also received relative support, but the first priority is with non-repressive and therapeutic approaches.

Given the high costs of incarceration, the ineffectiveness of severe punishments in deterrence, and statistics indicating the failure of repressive policies over the past decades, it is essential that the legislator, in future amendments to the Anti-Drug Law, focus primarily on developing treatment-harm reduction models, strengthening non-criminal prevention institutions, and utilizing the capacity of NGOs and international organizations. This paradigm shift from “criminalization” to “patient-centered” can be an effective step toward saving addicts, reducing social harm, and enhancing national security.

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