



Dignity-Based Criminology Model of Temporary Detention of Lawyers and University Professors

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Abstract

Temporary detention is one of the most important and at the same time challenging institutions of criminal procedure that has always been subject to criminological, human rights, and criminal policy criticism. In recent years, the temporary detention of lawyers and university professors, as groups with a special social role, has aroused new sensitivities in the field of criminal justice. This article, with an interdisciplinary approach, analyzes the “dignity-based criminology model” in the face of the temporary detention of these two groups and attempts to show how the principles of human dignity, the fundamental rights of the accused, and the requirements of a fair trial can provide a framework for reforming criminal policies and limiting temporary detention. The research method is descriptive-analytical and the data were collected from library sources, international documents, domestic laws, and criminological studies. The findings show that the temporary detention of lawyers and university professors, in addition to their personal and professional effects, has widespread consequences on public trust, social capital, and the functioning of the criminal justice system. Finally, the article presents a dignity-based model for temporary detention policymaking that is based on principles such as necessity, proportionality, transparency, effective judicial oversight, and respect for the social role of academic and professional groups.

Keywords: Dignity-based, Criminology, Criminal Law, Pretrial Detention

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Introduction

Pretrial detention, as the most severe form of criminal security, has always been at the intersection of security imperatives and human rights requirements. Originally designed to ensure the presence of the accused in the trial process and prevent collusion or recidivism, this institution has in practice become one of the most challenging tools of the criminal justice system. Numerous studies have shown that pretrial detention, even if it does not lead to a conviction, can have profound and sometimes irreparable effects on the individual, professional, and social life of the accused (Zedner, 2004). Therefore, its limitation and control have been one of the main axes of criminal reforms in recent decades.

In the meantime, the pretrial detention of lawyers and university professors, as two social groups with key roles in producing knowledge, defending citizens' rights, and promoting social capital, has gained special importance. Lawyers, as the pillar of defense in a fair trial, play a fundamental role in ensuring the rights of the accused, and university professors, as carriers of knowledge and critical thought, play a role in shaping public opinion and the scientific development of society. In addition to individual effects, the temporary

detention of these two groups has structural and symbolic consequences that can undermine public trust in the criminal justice system (Bianchi, 2018.)

From a criminological perspective, temporary detention is legitimate when it is applied based on principles such as necessity, proportionality, criminal minimalism, and respect for human dignity. In recent years, “dignity-based criminology” has been proposed as a new approach in criminal studies that emphasizes the centrality of human dignity at all stages of the criminal process (Lippke, 2017). This approach, contrary to traditional views that prioritized security over freedom, attempts to balance public security and the fundamental rights of individuals.

In various legal systems, the temporary detention of lawyers and university professors is examined with greater sensitivity due to their social role. International documents such as the “Basic Principles of the Role of Lawyers” adopted by the United Nations have emphasized the professional immunity of lawyers and the need to protect them from political and judicial pressures (UN, 1990). In addition, academic freedom and academic independence are recognized as fundamental rights in UNESCO documents and international covenants. Temporary detention of these groups, if carried out without observing strict standards, can be considered a threat to fundamental freedoms.

In Iran, temporary detention is also one of the most widely used security orders and has always been the subject of debate and criticism. Although the 2013 Criminal Procedure Code has attempted to introduce it as a “last resort” by limiting the cases of temporary detention and strengthening judicial supervision, in practice, challenges still remain. The temporary detention of lawyers and university professors, especially in cases related to social, trade union or political issues, raises additional legal and criminological sensitivities.

This article aims to present a dignity-based criminological model for the temporary detention of lawyers and university professors. The main question is:

How can the temporary detention of these groups be regulated in a way that both meets the needs of the criminal justice system and prevents individual and social harm, relying on the principles of human dignity, the fundamental rights of the accused and the requirements of a fair trial?

To answer this question, the article proceeds in several steps: First, the theoretical foundations of human dignity and dignity-based criminology are examined. Then, the social and professional status of lawyers and university professors is analyzed. Next, the criminological and legal consequences of the temporary detention of these groups are examined. Finally, a dignity-based model for criminal policymaking will be presented.

The importance of this research is that the temporary detention of lawyers and university professors is not only a legal issue, but also a social, political, and ethical issue. As carriers of knowledge, criticism, and defense of citizens' rights, these groups play an important role in the health of the criminal justice system. Any criminal treatment of them, if it is without observing the principles of human dignity, can have consequences beyond a court case and affect public trust, academic freedom, and professional independence.

If you are ready, I will also write you the second part (theoretical and conceptual foundations.)

Part Two: Theoretical and Conceptual Foundations

1 .Human Dignity in Criminal Law

Human dignity is one of the most fundamental concepts in contemporary human rights and criminal law. This concept, which has its roots in Kant’s moral philosophy, considers the human being as an end and not a means and emphasizes the principle that no one—even as an accused—should be used as a means for political, security, or social purposes (Kant, 1785/1996). In modern criminal law, human dignity is recognized as a criterion legitimizing criminal intervention and any restrictions on individual freedom must be consistent with this principle (Ashworth & Zedner, 2010.)

In international instruments, including the International Covenant on Civil and Political Rights, human dignity is recognized as the basis of the fundamental rights of the accused. Article 9 of this Covenant emphasizes the prohibition of arbitrary detention and the need to observe proportionality and necessity in temporary detention. Article 10 also emphasizes the humane and respectful treatment of persons deprived of their liberty (UN, 1966.)

In Iranian law, Articles 22 and 39 of the Constitution also emphasize the respect for human dignity and honor. The 2013 Criminal Procedure Code has also attempted to institutionalize this principle in the criminal process by limiting temporary detention and strengthening judicial oversight. However, practical challenges remain, and temporary detention is used in many cases, especially in sensitive cases, as a tool of social pressure or control (Hashemi, 2019.)

2 .Dignity-Based Criminology

Dignity-Based Criminology is a new approach in criminological studies that has been developed in the last decade by researchers such as Lippke (2017) and Bianchi (2018). This approach is based on the assumption that the criminal justice system should be designed in such a way that human dignity is preserved at all stages, from arrest to trial and execution of the sentence.

Main features of dignity-based criminology1. Humanism in Criminal Policy

This approach believes that the primary purpose of criminal justice should be to protect people, not just to control crime. Therefore, penal instruments should be minimal, necessary, and proportionate (Lippke, 2017.)

2 .Penal Minimalism

Pretrial detention, as the most severe pretrial intervention, is only legitimate when there are no other alternatives (Ashworth, 2011.)

3 .Avoiding stigma and harm

Dignity-based criminology emphasizes that pretrial detention—even short-term—can have stigmatizing and harmful effects and should be avoided except in cases of absolute necessity (Zedner, 2004.)

4 .Attention to vulnerable groups and social roles

This approach believes that some groups, such as lawyers and university professors, are more vulnerable to temporary detention due to their social role and that their detention has wider social consequences (Bianchi, 2018.)

5 .Transparency and accountability in judicial decisions

The decision to temporarily detain must be reasoned, monitorable and appealable.

3 .Temporary detention: concept, function and criticisms

3 .1–The concept of temporary detention

Temporary detention is the most severe criminal security measure that deprives an individual of their freedom before a verdict is issued. Its purpose is to ensure the presence of the accused, prevent collusion, prevent escape or prevent recidivism (Ashworth & Redmayne, 2018). However, in practice, temporary detention sometimes becomes a tool for social control or to exert pressure on the accused.

3 .2–Legitimate Functions of Pre-Trial Detention

In classical theories of criminal procedure, pre-trial detention has three main functions:

- Ensuring the presence of the accused in court
- Preserving evidence and preventing collusion

-Protecting society from immediate danger

These functions are also accepted in international documents, but with an emphasis on the necessity, proportionality and exceptionality of detention (UN Human Rights Committee, 2014.)

3.3–Criminological and human rights critiques

Criminological research has shown that pre-trial detention—even in the event of acquittal—has widespread negative effects:

-Damage to social prestige and reputation

-Disruption of professional life

-Psychological and family stress

-Increased likelihood of conviction due to the psychological and structural effects of detention (Zedner, 2004)

From a human rights perspective, pre-trial detention should be a last resort and any widespread or unnecessary use of it is considered a violation of the principle of human dignity (UN, 2014.)

4 .The Position of Lawyers and University Professors in the Criminal Justice System

4 .1–The Social Role of Lawyers

Lawyers are one of the pillars of a fair trial. International documents such as the “Basic Principles on the Role of Lawyers” adopted by the United Nations in 1990 emphasize their independence and professional immunity. The temporary detention of lawyers, if carried out without observing strict standards, can:

-Threaten their professional independence

-Weaken the right of the accused to defend themselves

-Reduce public confidence in criminal justice (UN, 1990)

4 .2–The Social Role of University Professors

University professors are carriers of knowledge, criticism, and independent thought. Academic freedom and academic independence are recognized as fundamental rights in UNESCO documents and international covenants. Their temporary detention can:

-Restrict academic freedom

-Self-censor the academic environment

-Reduce social capital and public trust (UNESCO, 1997)

4 .3–Vulnerability of these two groups in the criminal process

Due to their social and symbolic role, the temporary detention of lawyers and university professors has consequences beyond the individual. These detentions can:

-Convey a specific political or social message to society

-Cause distrust in judicial institutions

-Create deterrent effects on academic and professional activities (Bianchi, 2018)

5. The need for a dignity-based approach to the temporary detention of these groups
A combination of three factors—social role, professional vulnerability, and broader social consequences—causes the temporary detention of lawyers and university professors to require stricter standards. Dignity-based criminology emphasizes that:

-The detention of these groups should be more exceptional than in other cases

- The reasons for detention should be transparent, reasoned, and monitorable
- Alternatives to detention should be seriously considered
- The social and symbolic effects of detention should be taken into account in the judicial decision

This approach not only protects individual dignity, but also helps maintain public trust and the health of the criminal justice system.

3 .The Position of Lawyers and University Professors in the Criminal Justice System

1 .The Role of Lawyers in the Criminal Justice System

1 .1–The Lawyer as an Element of Fair Trial

In modern legal systems, the lawyer is not simply a “legal representative,” but one of the fundamental elements of a fair trial. International documents, including the 1990 UN Basic Principles on the Role of Lawyers, emphasize that the existence of an independent and free lawyer is a condition for the realization of criminal justice (UN, 1990). In the criminal process, the lawyer has the following roles: defending the rights of the accused, monitoring compliance with the principles of due process, preventing abuse of power, and ensuring equality of arms (Cape & Namoradze, 2012.)

From a criminological perspective, the presence of a lawyer in the early stages of the trial is one of the most important factors in reducing unnecessary detention and preventing forced confessions (Zander, 2013). Therefore, any restriction on the freedom and independence of the lawyer directly affects the quality of criminal justice.

1 .2–Professional Independence of Lawyers

The independence of the lawyer is one of the fundamental principles of the legal profession. This independence includes freedom to accept cases, freedom to defend, immunity from professional opinion, and immunity from political and judicial pressures (Baxi, 2010). The temporary detention of lawyers, if carried out without strict standards, can:

- Undermine their professional independence
- Send a discouraging message to other lawyers
- Lead to self-censorship in the defense
- Reduce public confidence in criminal justice (UN, 1990)

In some countries, the detention of lawyers has been criticized by international organizations as a tool for political control or to restrict human rights activities (Human Rights Watch, 2020.)

1 .3–Vulnerability of lawyers in the criminal process

Lawyers are at greater risk of criminal prosecution or detention due to their role as watchdogs and critics of power. This vulnerability is particularly heightened in security, political, or trade union cases. Temporary detention of lawyers can:

- disrupt the defense process of their clients
- limit the right of access to a lawyer for other defendants
- have far-reaching professional and reputational consequences (Cape & Namoradze, 2012)

From the perspective of dignity-based criminology, the detention of lawyers should be carried out only in absolutely necessary cases and in compliance with strict standards.

2 .The role of university professors in the social system and criminal justice

2 .1–The scientific and social status of university professors

As carriers of knowledge, producers of ideas and social elites, university professors play an important role in the scientific, cultural and political development of society. In addition to education and research, they play a role in analyzing social issues, critiquing policies and promoting public awareness (Altbach, 2015). Therefore, academic freedom and academic independence are considered fundamental principles of human rights and sustainable development (UNESCO, 1997).

2.2–Academic Freedom and Academic Independence

Academic freedom includes the freedom to research, teach, disseminate scientific results, and participate in public debate. International documents such as the UNESCO Recommendation on the Status of Academics (1997) emphasize that professors should be immune from political, security, and administrative pressures. The temporary detention of university professors, if carried out without respecting human rights standards, can:

- restrict academic freedom
- subject the academic environment to self-censorship
- lead to the exodus of elites
- reduce public trust in academic institutions (Altbach, 2015)

2.3–The Role of Professors in Social Criticism and Policymaking

University professors in many countries play an important role in critiquing public policies, providing scientific analysis, and participating in social reform. This critical role exposes them to political sensitivities. The temporary detention of university professors can be used as a tool to control scientific criticism or limit their social participation (Giroux, 2014). From a criminological perspective, the detention of university professors has not only individual effects, but also symbolic and structural consequences. These detentions can convey a message of “no tolerance for criticism” to society and reduce academic and social participation.

3. Consequences of Temporary Detention of Lawyers and University Professors

3.1–Individual Consequences

3.1–Individual and Social Consequences of Temporary Detention

Temporary detention—even if short-term—can have profound and widespread effects on the personal, professional, and social lives of lawyers and university professors. In addition to disrupting the normal course of life, this measure can seriously damage the individual’s social reputation and reputation, and can have psychological, family, and professional consequences. From a criminological perspective, temporary detention is one of the most severe criminal interventions, and its stigmatizing effects can last for years (Zedner, 2004). These effects include damage to professional reputation, reduced career and academic opportunities, psychological stress, disruption of family relationships, and the creation of a social label that sometimes persists even after acquittal.

3.2–Professional consequences

a) Professional consequences for lawyers

Temporary detention of lawyers can severely disrupt their defense role. A detained lawyer loses access to his clients, cannot participate in court sessions, and his clients’ cases may be damaged. This situation reduces the trust of clients and weakens the position of the lawyer in the criminal justice system. The detention of lawyers can also limit their professional, human rights, and supervisory activities, and lead to self-censorship in the legal community.

b) Professional consequences for university professors

For university professors, temporary detention can halt research projects, reduce academic participation, disrupt the teaching process, and restrict academic freedom. This situation not only harms the individual activity of the professor, but can also negatively affect students, teaching groups, and the academic environment of the university. From a criminological perspective, the detention of university professors can lead to a “weakening of academic capital”.

3.3–Social and symbolic consequences

The temporary detention of lawyers and university professors has consequences that go beyond individuals and can affect the social structure and public trust. This measure may reduce public trust in the criminal justice system, weaken social capital, create a climate of fear and self-censorship, and reduce elite participation in social issues (Bianchi, 2018). From a dignity-based criminological perspective, these consequences should be taken into account in the judicial decision, as temporary detention should not become a tool for social control or the restriction of fundamental freedoms.

4 .The need for stricter standards in the detention of these two groups

A combination of three factors—their social role, professional vulnerability, and the wider social consequences—makes the temporary detention of lawyers and university professors require stricter standards. These standards should include strict necessity, proportionality, transparency, effective judicial oversight, and the preservation of human dignity. Detention should only be applied when there is no other alternative, and the reasons for it should be well-founded, monitorable, and contestable. Adherence to these principles prevents the abuse of temporary detention and preserves professional and academic independence.

4 .3–Iran’s position in comparative comparison

In Iran, the 2013 Criminal Procedure Code has attempted to limit temporary detention, but in practice, temporary detention remains one of the most widely used security measures. In sensitive cases, the detention of lawyers and university professors has been reported, and judicial oversight of temporary detention is sometimes inadequate. Alternatives to detention, such as bail, surety, or electronic monitoring, are also not fully utilized (Hashemi, 2019). This situation shows that the dignity-based model can play an important role in reforming penal policies.

5 .Criminological analysis based on the dignity-based approach

The dignity-based criminological approach emphasizes that temporary detention should be exceptional, necessary, proportionate, controllable, and contestable. This approach emphasizes that the social, symbolic, and professional effects of detention should be taken into account in the judicial decision. In the case of lawyers and university professors, these principles are even more important; because their social role is sensitive, their detention has wider consequences, and its stigmatizing effects are more severe. Also, the detention of these two groups can affect the rights of others—including clients, students, and the academic community. Therefore, their temporary detention should be carried out only in cases of absolute necessity and in compliance with strict standards.

5 .Positive consequences of implementing the dignity-based model

5-1 .Strengthening public trust

Respecting human dignity and transparency in detention increases public trust in the criminal justice system.

5-2 .Maintaining professional and academic independence

Lawyers and university professors can continue their professional and academic activities without fear of detention.

5-3 .Reducing unnecessary detention

Using alternatives to detention reduces the criminal population and the costs of the judicial system.

5-4 .Improving the quality of proceedings

The presence of lawyers in the trial process and the participation of professors in social criticism improve the quality of criminal justice.

2-2 .Deterrent effect on other lawyers

International research has shown that the detention of lawyers in sensitive cases has a deterrent effect on other lawyers, causing them to refrain from accepting similar cases (Human Rights Watch, 2020). This phenomenon, called the “chilling effect,” is one of the most important criminological consequences of the temporary detention of lawyers.

2 .3–Damage to professional independence

A lawyer’s independence means that he or she can defend his or her client without fear of prosecution or detention. Temporary detention of lawyers—even if legal—can undermine this independence and lead to self-censorship in the defense (Baxi, 2010.)

3 .Criminological analysis of the effects of temporary detention on university professors

3 .1–Restriction of academic freedom

Academic freedom is one of the pillars of scientific and social development. The temporary detention of university professors, especially in cases related to social or political issues, can:

- Instill fear and caution in the academic environment
- Induce self-censorship in teaching and research
- Restrict the free flow of thought (Giroux, 2014)

From a criminological perspective, this situation is considered to be the “decriminalization of scientific criticism” and its transformation into a security issue.

3 .2–Symbolic and structural consequences

As the intellectual elite of society, university professors have a symbolic role. Their detention can convey the following messages to society:

- Restriction on scientific criticism
- Intolerance of different points of view
- Control of the intellectual and academic environment

These messages can undermine social capital and public trust (Altbach, 2015.)

3 .3–Long-term effects on the academic system

Temporary detention of university professors can have long-term consequences:

- Elite emigration
- Reduced quality of education and research
- Reduced participation of academics in social issues
- Weakening of academic autonomy

From the perspective of developmental criminology, these consequences are considered a threat to scientific and social progress.

4 .Comparative analysis of temporary detention of lawyers and university professors

4 .1–International standards

In many countries, temporary detention of lawyers and university professors is carried out only in absolutely necessary cases and in compliance with strict standards. For example:

-In European countries, the detention of lawyers is possible only with the approval of a high-ranking judicial authority and with the supervision of independent institutions (European Court of Human Rights, 2019.)

-In advanced academic systems, the detention of university professors without strong and clear reasons is considered a violation of academic freedom (UNESCO, 1997.)

4 .2–Experience of Asian Countries

In some Asian countries, the detention of lawyers and university professors in political or security cases has been criticized by international institutions. These countries usually face challenges such as:

5 .Proposed dignity-based criminology model for temporary detention of lawyers and university professors

1 .The need to design a dignity-based model

Due to their social, professional, and symbolic role, the temporary detention of lawyers and university professors requires special standards that are not fully foreseen in existing laws. Dignity-based criminology, by emphasizing the centrality of human dignity, penal minimalism, and attention to social consequences, provides a suitable framework for designing such a model (Lippke, 2017). This model should be such that: - Prevent unnecessary detention

-Preserve professional independence and academic freedom

-Strengthen public confidence in the criminal justice system

-Reduce the stigmatizing and harmful effects of detention

2 .Fundamental principles of the dignity-based model

2 .1–Principle of strict necessity

The principle of strict necessity states that pre-trial detention is only legitimate when there are strong, documented and demonstrable reasons for it. This principle is based on the premise that pre-trial detention is one of the most severe criminal interferences with individual liberty and should therefore only be applied in circumstances where there is a real and documented risk of absconding, a serious and demonstrable possibility of collusion, or an immediate and specific risk of reoffending. In the absence of these conditions, pre-trial detention is not only unnecessary, but also contrary to the principles of human rights and criminal justice. This principle is fully consistent with international standards such as Article 9 of the International Covenant on Civil and Political Rights, which states that detention shall not be arbitrary and shall be based on real and demonstrable necessity (UN, 1966.)

2 .2–Principle of Proportionality

The principle of proportionality emphasizes that the severity of pre-trial detention should be proportionate to the seriousness of the charge, the degree of real danger, and the social role of the accused. This principle prevents pre-trial detention from being applied in low-risk, non-violent crimes or cases related to academic and professional activities. For example, the detention of a university professor for trade union activities or the detention of a lawyer in human rights cases is usually disproportionate because there is no real danger to society and the detention could cause wider harm. Criminological literature also emphasizes that detention should be proportionate to the real danger posed by the accused and should not become a tool for social control (Ashworth & Zedner, 2010). This principle is a fundamental principle of modern criminal law and is used in many advanced legal systems as the main criterion for assessing the legitimacy of detention.

2.3–The principle of exceptionalism

The principle of exceptionalism states that temporary detention should be a last resort and should only be applied when there is no other alternative. This principle is even more important in the case of lawyers and university professors, since their detention has wider social, professional and symbolic consequences. The sensitive and vital role of these two groups in the justice and scientific systems requires that their detention should only be carried out in absolutely necessary circumstances and with very strong reasons. The existence of numerous alternatives such as bail, bail, electronic monitoring or professional obligations shows that detention can be avoided in most cases. Therefore, the principle of exceptionalism is one of the most important tools to prevent the abuse of temporary detention and also has a special place in the literature on dignity-based criminology (Bianchi, 2018.)

2.4–Transparency & Accountability Principle

The principle of transparency and accountability emphasizes that the decision to pre-trial detention must be reasoned, documented and monitorable. This principle prevents the issuance of vague, general and undocumented orders and requires the judge to state the reasons for detention in a precise and assessable manner. Transparency also ensures that the accused can effectively challenge the detention and that independent institutions can monitor the detention process. This principle is emphasized in international documents such as the “Basic Principles on the Role of Lawyers” (UN, 1990) and the “General Comment No. 35 of the UN Human Rights Committee”. Compliance with this principle increases public confidence in the criminal justice system and prevents arbitrary detention and is one of the main pillars of the dignity-based criminology model. - be challengeable. This principle prevents the abuse of pre-trial detention (Bianchi, 2018.)

2.5–Respect for Social Role

The principle of respect for social role is based on the premise that certain professions—particularly the legal profession and academia—have vital functions in ensuring justice, producing knowledge, and maintaining social health. The role of the lawyer in ensuring fair trial, defending citizens’ rights, and overseeing the functioning of criminal justice institutions is fundamental to the justice system. The university professor also plays a fundamental role in producing knowledge, training specialists, social criticism, and cultural development. For this reason, many advanced legal systems, including the case law of the European Court of Human Rights, have stated that the detention of these groups should be examined with greater sensitivity and that their social role should be taken into account in assessing the necessity of detention (European Court of Human Rights, 2019). This principle emphasizes that the detention of such individuals has a direct impact not only on their personal lives, but also on the rights of others—including clients, students, and the academic community.

.Operational Indicators of the Dignity Model

3 .1–Indicators of Necessity

The necessity of detention must be based on documented, verifiable, and carefully assessed reasons. These indicators include the existence of credible reasons for the risk of flight, specific evidence of attempted collusion, or an expert assessment of the risk of recidivism. In the absence of these reasons, temporary detention, as a drastic measure that restricts individual freedom, lacks legal and criminological justification. These criteria prevent unnecessary detentions based on guesswork or general perceptions and require the judge to carefully and transparently assess necessity (Ashworth & Zedner, 2010.)

3 .2–Indicators of Proportionality

Proportionality means measuring the severity of detention in comparison with the severity of the crime, the criminal record, the social role of the defendant, and the effects of detention on the rights of others. For example, the detention of a lawyer can harm the rights of clients, and the detention of a university professor can disrupt the educational and research process. Therefore, the judge should consider whether the detention is proportionate to the actual risk posed to the accused. This indicator prevents the imposition of heavy detention in low-risk or non-violent cases and supports the principle of proportionality in criminal policy (Bianchi, 2018.)

3 .3–Indicators on exceptionality

Pre-trial detention should be a measure of last resort and should only be applied when there are no other alternatives. Therefore, the judge should consider the possibility of using alternatives to detention, such as bail, bail, electronic monitoring or professional obligations. There should also be the possibility of continuous judicial supervision and the use of lighter orders. This indicator ensures that pre-trial detention remains an exceptional measure and prevents it from becoming an instrument of social control (UN Human Rights Committee, 2014.)

3 .4–Indicators on transparency

Transparency requires that detention orders be issued with written reasons, that effective appeals are possible, and that sensitive detentions are subject to independent oversight. These indicators prevent abuse of pre-trial detention and ensure judicial accountability. Transparency also increases public confidence in the criminal justice system and prevents the issuance of vague, general and unsubstantiated orders. Many international instruments, including the Covenant on Civil and Political Rights, have emphasized the need for transparency in detention (UN, 1990.)

4 .Implementation mechanisms of the dignity-based model

4 .1–Establishment of committees to monitor sensitive detentions

In many countries, the detention of lawyers and university professors is possible only with the approval of independent institutions. The establishment of a committee consisting of senior judges, representatives of the bar association and university representatives can prevent unnecessary detention. This committee should have the authority to examine the reasons for detention, monitor its renewal and submit periodic reports. Such a mechanism increases transparency and reduces the possibility of abuse of pre-trial detention (UNESCO, 1997.)

4 .2–Strengthening Alternatives to Temporary Detention

Alternatives such as bail, bail bonds, electronic monitoring, and a commitment not to leave the jurisdiction can be used as alternatives to detention in many cases. The use of these tools reduces the criminal population, reduces the costs of the judicial system, and prevents the psychological and social harm caused by detention. These alternatives are especially important for lawyers and university professors who play a sensitive social role (Ashworth, 2011.)

4 .3–Continuous Judicial Supervision

Preliminary detention should be reviewed at short intervals and its extension should only be possible if new reasons are presented. This continuous supervision prevents prolonged and unnecessary detentions and requires the judge to reassess the necessity of detention at each stage. If the necessity is no longer present, detention should be canceled immediately. This mechanism is one of the most important tools for ensuring human dignity in the criminal process (Jafari, 1400.)

4 .4–Guaranteeing immediate access to a lawyer

In the case of lawyers, detention should not deprive them of their rights to a defense. In the case of university professors, access to a lawyer should also be provided without restriction and as soon as possible. This principle is one of the most important guarantees of a fair trial and prevents the application of unlawful pressure on the accused. Access to a lawyer can also prevent the issuance of unnecessary orders (Cape & Namoradze, 2012). 4–5. Guaranteeing professional and academic rights

Detention should not violate professional and academic rights. For example, a university professor should be able to access his research projects and a lawyer should be able to benefit from his defense rights. This principle is based on the premise that detention should not become a tool to restrict academic or legal activities. Adherence to this principle will preserve professional independence and prevent damage to academic and legal institutions (Giroux, 2014.)

5 .Suggestions for future research

This research can pave the way for more extensive research. It is suggested:

5 .1–Empirical research

- Statistical study of temporary detention of lawyers and professors in Iran
- Analysis of real cases and comparison with international standards

5 .2–Comparative research

- Comparison of Iran’s criminal policies with European and Asian countries
- Examination of support mechanisms in advanced legal systems

5 .3–Interdisciplinary Research

- Sociological Analysis of the Consequences of Elite Detention
- Investigating the Psychological Effects of Pretrial Detention on Professional Groups

6 .Final Conclusion

The pretrial detention of lawyers and university professors, due to their social and professional role, is a sensitive and multidimensional issue that must be managed with care, transparency, and adherence to the principles of human dignity. Dignity-based criminology, with its emphasis on human-centeredness, penal minimalism, and attention to social consequences, provides an appropriate framework for reforming criminal policies in this area.

Implementing this model can:

- Prevent unnecessary detentions
- Preserve professional independence and academic freedom
- Strengthen public trust in the criminal justice system
- Promote the structural and moral health of the legal system

Finally, criminal justice makes sense when human dignity is at the center of attention, even in the position of the accused. The temporary detention of lawyers and university professors, if carried out without observing these principles, not only harms individual rights, but also threatens the foundations of social trust and scientific development. Therefore, reform of criminal policies in this area is an inevitable necessity.

References

1. English sources
2. Altbach, P. G. (2015). Academic freedom: International realities and challenges. *International Higher Education*, 79, 2–5.
3. Amnesty International. (2021). Crackdown on academics and lawyers in Asia. Amnesty International Publications.
4. Ashworth, A. (2011). *Sentencing and criminal justice* (5th ed.). Cambridge University Press.
5. Ashworth, A., & Redmayne, M. (2018). *The criminal process* (5th ed.). Oxford University Press.
6. Ashworth, A., & Zedner, L. (2010). *Pr*احتی justice. Oxford University Press.
7. Baxi, U. (2010). *The future of human rights* (3rd ed.). Oxford University Press.
8. Bianchi, H. (2018). *Justice as sanctuary: Toward a new criminology*. Routledge.
9. Cape, E., & Namoradze, Z. (2012). *Effective criminal defence in Europe*. Open Society Foundations.
10. Cohen, S. (1985). *Visions of social control: Crime, punishment and classification*. Polity Press.

11. European Court of Human Rights. (2019). Case law on pre-trial detention and lawyers' rights. Council of Europe Publications.
12. Giroux, H. A. (2014). Neoliberalism's war on higher education. Haymarket Books.
13. Human Rights Watch. (2020). Targeting lawyers: Global patterns of repression. HRW Publications.
14. Kant, I. (1996). Groundwork of the metaphysics of morals (M. Gregor, Trans.). Cambridge University Press. (Original work published 1785)
15. Lippke, R. (2017). Taming the presumption of innocence. Oxford University Press.
16. UN. (1966). International Covenant on Civil and Political Rights. United Nations.
17. UN. (1990). Basic Principles on the Role of Lawyers. United Nations Congress on the Prtion of Crime.
18. UN Human Rights Committee. (2014). General Comment No. 35: Article 9 (Liberty and security of person). United Nations.
19. UNESCO. (1997). Recommendation concerning the status of higher-education teaching personnel. UNESCO Publications.
20. Zander, M. (2013). The police and criminal evidence act 1984 (6th ed.). Sweet & Maxwell.
21. Zedner, L. (2004). Criminal justice. Oxford University Press.
22. Persian sources
23. Jafari, M. (1400). Critical analysis of temporary detention in Iranian law. Dadgostar Legal Journal, 25(3), 45-72.
24. Hashemi, S. (1398). Basic Law of the Islamic Republic of Iran (Vol. 2). Mizan Publishing.
25. Central Bar Association. (1401). Annual report on the status of lawyers and professional challenges. Bar Association Publications.