

The Moral and Social Effects of Implementing Alternative Punishments of Imprisonment

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Received 06 Sep 2023

Accepted 02 Oct 2023

Online Published 26 Apr 2024

Abstract

Introduction: Alternative punishments of imprisonment, which are called as a new approach of the penal system to fight against the negative consequences of prison, have many effects and consequences that need to be investigated. Therefore, in this study, while examining the types of alternative punishments, the moral and social effects of the implementation of these punishments have been explored.

Materials and Methods: The present study was conducted using an analytical-descriptive method. In this study, in order to provide an appropriate answer to the question presented, by referring to the theoretical bases (books) and articles published in the ISC, Magiran, Civilica, SID and Ensani in the years 2011 to 2023 and with the method of extracting the existing legal provisions, the effectiveness of this type of punishment was also criticized in reaching the intended goals.

Conclusion: The results of this study show that with the implementation of such punishments, the level of public trust, the growth of morals and social capital in the society will also improve. Therefore, the implementation of these punishments, while reducing the criminal population of prisoners and reforming them, provides better implementation of social justice and improvement of public trust, emotional and financial support for the families of criminals.

Keywords: *Alternative punishments of imprisonment, De-imprisonment, Moral effects, Social effects.*

How to Cite: Sharif Dashti M, Jamadi A, Janipour A. The Moral and Social Effects of Implementing Alternative Punishments of Imprisonment, Int J Ethics Soc. 2024;6(1):43-54. doi: [10.22034/ijethics.6.1.43](https://doi.org/10.22034/ijethics.6.1.43)

INTRODUCTION

Every society has norms, and any deviation that exposes the norms of the society to the risk of change and transformation, will be faced with the reaction of the members of that society. When deviance becomes a crime, the public administration is obliged to remind him and other members of the society about the abomination of the perpetrator's act and the need to respect the rules and social systems by resorting to appropriate methods, while preventing the repetition of the crime in the

future. Warning authorities to maintain public order and react to crime are done in different ways. Imprisonment, as one of the reactions, has been the concern of rulers since ancient times [1]. But the experience of recent years has shown that sending many people to prison is scientifically and logically harmful. The costs of establishing a prison and maintaining prisoners, the inefficiency of the prison, turning the prison into a school for repeating crimes, negative education and making the prisoner more dangerous, removing the prisoner from the social environment and interrupting normal life, and

losing the educational characteristics of the prison over time are the most obvious consequences of prison [2]. In addition, the results obtained from the function of prison punishment are also very disappointing, the educational reform programs implemented in closed prison environments have been unsuccessful. Because the main roots of delinquency remain unknown, and even if they are identified and obvious, they are left unresolved. Due to its special nature, prison deprives prisoners of their basic needs. Considering the disadvantages of this punishment and its economic, criminological, health and humanitarian problems, efforts have been made in recent decades to reform criminals by humanizing and diversifying the way prison punishment is applied and using its alternatives and return them to a healthy social life [3]. Alternative punishments to imprisonment, which include various forms, are among the solutions adopted in most countries. The purpose of implementing these punishments is to return the criminal to the society and to implement the punishment when the criminal is present in the society. The implementation of these punishments requires public acceptance, and if society members support it, the self-confidence and commitment of criminals will increase and criminal justice will be established [4, 5]. The legalization of these types of punishments itself means the progress and development of the legal system, but the implementation of this law requires certain conditions and supplies that must be provided [6-8]. Today, according to many legal experts, the implementation of alternative prison sentences, while reducing the criminal population of prisons, has resulted in saving the government and individuals and their families. In addition to useful social and cultural results, it can also produce added economic value for the society and the government. Therefore, it should be seen if these punishments are effective

and valuable and answer the basic question, what will be the moral and social effects of implementing alternative punishments of imprisonment in the society?

MATERIAL AND METHODS

The present study was conducted using an analytical-descriptive method. In this study, in order to provide an appropriate answer to the question presented, by referring to the theoretical bases [books] and articles published in the ISC, Magiran, Civilica, SID and Ensani in the years 2011 to 2023 and with the method of extracting the existing legal provisions, the effectiveness of this type of punishment was also criticized in reaching the intended goals.

DISCUSSION

Crime, punishment and its goals

The crime of not fulfilling the written expectations related to the position and social roles for which a specific punishment has been determined is the crime of committing an act or omission that the legislator has determined a specific punishment to prevent its occurrence. Part of preventing the occurrence of crime is by determining the punishment and punishment according to the crime of the criminals and its actions. Punishment has a deterrent effect on committing a crime and repeating it. Punishment is also the threat of deprivation of rewards, fines or punishments that are imposed on an actor in a social situation in accordance with the norms and values that are not observed. Punishment is the punishment of an activist who does not play his role well, and it is generally of two types, formal and informal. The informal type is not codified and is generally practiced in informal social monitoring by other actors. Like protesting or mocking a person who throws garbage in the street. The official type of punishment is specific and documented, which is applied by the official authorities. Such as the police fine a person who

throws garbage in the street [5]. We can divide the opinions of experts about the goals of punishment into two approaches: moral and utilitarianism. In the first approach, the purpose of punishing criminals is to blame them morally for the crime they have committed [9]. According to this approach, the punishment of the criminal is based on the principle of compensation, and according to it, anyone who commits a mistake or harms the community or individuals, must compensate for it [10]. This principle, which is rooted in both the Iranian-Islamic legal tradition and the Western legal-philosophical tradition, is taken from the theory of retribution. In this theory, the basis of the reaction of punishing the perpetrator is by looking at the past and considering his criminal act [11], that the amount of punishment should not be more or less equal or proportional to the nature or gravity of the crime; Because our punishment is for what should be considered proportionate to the crime and punishment of the criminal act [12]. But in the second approach, a view called "futuristic" or "teleological", considers the achievement of goals in the future as the justification of punishment [13]. In this approach, the utilitarian and preventive goal of punishment may assume three very important aspects [14], which are respectively: A) Deterrence, which means reducing the criminal motivation of the criminal, which is applied by changing his/her way of thinking, through visualizing the perspective of the consequences of committing a crime [15]. B) Social rehabilitation of criminals, which basically means actions and measures to return the criminal to a state of appropriate and better social behavior [16]. C) Removing and rejecting the criminal [incapacitation] which are applied in the form of punishments such as death, exile, permanent deprivation of liberty and permanent transfer of criminals to distant areas [15].

A) De-incarceration

The concept of imprisonment in any form and title is deprivation of freedom. Imprisonment punishment is compared to other types of punishments based on legal restrictions for the free occupation of people in their affairs, which is called "deprivation of freedom", which means absolute deprivation of freedom [2].

As human societies entered the third millennium, harsh and strict criminal systems based on imprisonment and "punishment patterns" lost their function and efficiency and faced more scientific and humanitarian criticisms. So that the previous strategies to reduce crime, delinquency, save prisoners and increase public security paid off and were referred to as "failed models". On the other hand, with the development and expansion of flexible and soft penal systems that are based on "restorative and compensatory methods", the prison has proven its efficiency by providing mechanisms for empowerment, acquiring skills, maintaining rights and accountability was mostly accepted by judicial and prison systems, experts in social and educational sciences, and criminologists" [17]. Due to the ineffectiveness of imprisonment [especially short-term imprisonment] in reforming and rehabilitating prisoners and its low effect in preventing recidivism, as well as the criminality of the prison environment and the high economic cost, it has caused the policy of decriminalization to be noticed by the legislator in Iran. One of the most obvious examples of the policy of decriminalization is the transformation of prison sentences into alternative punishments that have less harmful effects. This strategy, which is also known as the de-incarceration policy, has been considered in the general policies of the system and in high-handed documents [18]. Therefore, the term de-incarceration as the newest approach in recent decades is based on new and fundamental ideas of applying special policies. Therefore, the goal of de-incarceration is to

reduce the number of cases leading to imprisonment and to use its alternatives in order to achieve the goals that are intended to prevent the repetition of crimes. For this purpose, in the direction of removing imprisonment and prohibiting the arbitrary use of imprisonment, programs have been compiled in the Islamic Penal Code of 2013. The legislator of our country has emphasized on the removal of imprisonment and alternative punishments in various articles of the Islamic Penal Code and other relevant regulations of the country.

B) Alternative punishments to imprisonment

Punishment instead of imprisonment is a category of punishments that the judge is willing or obliged to give instead of imprisonment. These punishments are the punishments that the criminals receive their punishment outside of the prison environment and in the heart of society by public and civil institutions. These punishments, which are in the Islamic Penal Code, are divided into two categories, optional and mandatory. Imprisonment is one of the most common types of punishment today. In Iran's laws, five types of modern imprisonment alternative punishments are provided, which will be explained below.

1. Care period

According to Article 83 of the Islamic Penal Code approved in 2013: "The period of supervision is the period during which the convict is sentenced, by court order and under the supervision of the execution judge, to carry out one or more of the orders listed in the suspension of supervision as follows:

- Up to six months in crimes for which the legal punishment is a maximum of three months of imprisonment.
- In crimes whose legal punishment is ninety-one days to six months of imprisonment and crimes whose type and amount of punishment are not determined in the relevant laws, six months to one year.

- In crimes whose legal punishment is more than six months to one year of imprisonment, one to two years.

- Two to four years in unintentional crimes whose legal punishment is more than one year.

Article 42 of the Islamic Penal Code approved in 2013: Precautionary postponement is one of the forms of postponing the issuance of a sentence, according to which the court can postpone the issuance of the sentence for six months to two years despite the fact that the case is ready for consideration. And during this period, condemn the accused to carry out a series of orders.

In general, the goals of the care period can be analyzed in three categories: reform, institutional, and political goals. The purpose of reforming this type of suspension, which most criminologists agree with, is to reduce the prison population, save costs, support public security, and impose more punishment than the normal suspension of care, which has a punitive and interventionist aspect. Intensive care suspension increases trust in the care suspension institution, which has this type of suspension in this institution, and for this reason, it is considered an institutional goal. Its attraction is mostly due to the fact that many people in the society and in some cases some convicts consider suspension of care sentences as a simple advice [19]. This type of suspension gives the care officer enough time to direct the interest in the care suspension to the relevant service centers and agencies for advice when necessary. It also gives the probation officer sufficient authority and independence to thereby support the public opinion by preventing the commission of new crimes through probation [20].

2. Free public services

Today, community service is an institution by which the court suggests to the criminal that he tries to compensate for the mistake he committed by doing something for the benefit of the society, instead of going to prison. In other words, public service or public benefit work is one of the

sentencing options, which is sentenced according to the degree of dangerousness of the criminal and with the aim of compensating the victim and restoring the disturbed order of the society by doing a free work for the society [21]. According to Article 84 of the Islamic Penal Code approved in 2012: "Free public services are services that are ordered with the consent of the convicted person for a certain period of time as follows and are carried out under the supervision of the execution judge:

- 1- Crimes subject to paragraph 1 of article 82 up to two hundred and seventy hours;
- 2- The crimes referred to in paragraph 2 of article 82 are two hundred and seventy to five hundred and forty hours;
- 3- Crimes subject to paragraph 3 of article 82, five hundred and forty to one thousand and eighty hours;
- 4- Crimes subject to clause 4 of article 82 thousand eighty to two thousand one hundred and sixty hours.

Public service hours for working people are not more than four hours and for non-working people more than eight hours per day. In any case, the daily service hours should not hinder the convict's normal livelihood.

In the case of public service, it is important to mention that its issuance is not limited to the trial stage and can be issued in the pre-trial stages as well as the execution of judgments. In the prosecutor's office, where the prosecutor is in charge of prosecuting the accused, he can oblige him to perform public service with the contract he makes with the accused, and in exchange, he can waive his prosecution.

3. Monetary penalty

According to Article 86 of the Islamic Penal Code, one of the alternative punishments of imprisonment that has more uses and benefits is a fine. Fines can be applied both independently and as a substitute for imprisonment. Iran's legislature has also used both types of fines with

regard to domestic laws and regulations. Also, the legislator has paid attention to the daily fine, although it is considered as a new alternative to imprisonment. In addition to using fines as an independent punishment, the criminal legislators of different countries have shown a tendency to use them as a substitute for imprisonment due to the features and advantages of fines.

Among the merits of substituting fines instead of imprisonment, the following have been stated: 1. Insignificance of adverse effects 2. Retaining the punitive effect against the repetition of the crime, 3. Proportion to the severity and importance of the crime committed, 4. Ease of combination with other enforcement guarantees, 5. The best reaction against financial crimes, 6. Benefiting the government, 7. Compensability in cases of judicial mistakes 8. Enforceability in case of convictions in absentia.

4. Daily cash penalty

Another completely new move to make cash fines more effective and fairer is the creation of daily fines in this law. These fines are called daily fines because their amount is related to the daily income of the criminal. The amount of daily fines is determined in two stages. In the first stage, according to the type and importance of the crime, the judge determines the number of days to pay the fine within a legal limit [legal minimum and maximum]. For example, if the legislator has set a fine of one to thirty days for traffic violations, the judge can consider a fine of 18 days for a person who has been driving while drunk.

According to Article 85 of the Islamic Penal Code approved in 2013: "The daily fine is one-eighth to one-fourth of the convict's daily income; it is sentenced as follows and it is collected under the supervision of the execution judge:

- 1- Crimes subject to paragraph 1 of article 82 up to one hundred and eighty days;
- 2- Crimes under paragraph 2 of article 82, one hundred and eighty to three hundred and sixty days;

3- Crimes subject to paragraph 3 of article 82, three hundred and sixty to seven hundred and twenty days;

4- Crimes subject to paragraph 4 of article 82, seven hundred and twenty to one thousand four hundred and forty days;

Note- The convict is obliged to pay the total daily fine of that month within ten days at the end of each month.

A monetary fine is one of the types of punitive punishments, the manner of its implementation and collection is governed by the Criminal Procedure Law and the Islamic Penal Code. Therefore, contrary to belief, according to the explicitness of Article 22 of the Law on the Execution of Financial Convictions approved in 2014, a monetary fine is outside the scope of the aforementioned law and is subject to its own provisions [22]. In this regard, in Article 19 of the Islamic Penal Code approved in 2012, a fine according to its amount is subject to one of the eight degrees of punitive punishments, and in Articles 27 to 29 of the Islamic Penal Code, the legislator had a relatively incomplete specification regarding monetary punishment and the quality of its implementation.

5. Deprivation of social rights

Deprivation of social rights is stated in the Islamic Penal Code (Article 64) as a secondary punishment. In accordance with Article 25, it is proposed as a secondary punishment in the law. According to Article 64 of the law, deprivation of social rights is introduced as one of the alternatives to imprisonment, but it is not mentioned in the subsequent articles. It can be said that the reason for not including deprivation of social rights in this chapter is that it is included in the second chapter of this law under the title of "supplementary and secondary punishments" and there was no need to repeat it in this chapter. There are several fundamental objections to this argument. The first objection is in terms of form, why the legislator should state the alternative

punishments of imprisonment in several chapters, while a separate chapter has been dedicated to it [23]. The substantive objections are that, first: substitutes for imprisonment are the main punishments, although they substitute for imprisonment, while the social exclusion listed in Article 25 has a secondary aspect; Secondly: It is possible to apply alternative punishments of imprisonment in crimes with imprisonment of the sixth, seventh and eighth degrees (in house arrest of the fifth and eighth degrees). While according to Note 1 of Article 25, in the sixth, seventh- and eighth-degree imprisonments, convictions are included in the criminal record, but they are not included in the issued certificates [24].

The merits of applying punishments instead of imprisonment

Alternative punishments to incarceration, including community service, fines, being banned from certain places, social observation, or other similar measures, may have different moral effects. These effects can somehow affect the implementation of social and educational justice in the society.

Imprisonment mentioned in the Islamic Penal Code 92, despite the disadvantages and special problems that each of them entails, none of the negative effects and personal, family and social damages are punishable by imprisonment. The implementation of alternative prison sentences can be effective from a health point of view in preventing the transmission of certain diseases such as AIDS and hepatitis B, and from a social point of view, it can also be very effective in reducing the membership of prisoners in criminal gangs, as well as the social damage of criminals' families [25]. The implementation of alternative punishments of imprisonment not only leads to the reduction of the population of criminals in prisons and to some extent resolves the defects of imprisonment, but it can also play

a role in preventing the repetition of crimes [26]. The most important feature and positive point of alternative punishments of imprisonment is that the criminal is not ostracized from society. These punishments are applied in such a way that they do not hinder the convict's normal life. And while the person lives in the community like other people, he also endures his punishment, and therefore the convict does not feel that he is rejected from the society and does not feel like a victim [27]. Another positive feature of these punishments is their community and participation. Since social punishments limit individual rights and freedoms, they are usually applied by the judiciary and the government. But in crimes that substitute imprisonment, they try not to deprive the criminal of these freedoms. One of the characteristics of alternative punishments of imprisonment is that they are communal and the convict endures his punishment in the community. Article 1 of the Social Punishment Bill instead of Imprisonment explicitly mentioned the participation of the people, public institutions and civil institutions in the implementation of social punishments, but this phrase has been removed in the new Islamic Penal Code. But due to the inherent nature of people's participation in this type of punishment, this removal cannot have an effect on the role of the people in the implementation of this type of punishment [28]. Among other advantages of this type of punishments, we can point out that they are consensual and bilateral. That is, in addition to the judicial authority, the will of the criminal is also necessary for these alternatives to be applicable. Therefore, this approach puts the criminal under the will of the judicial authority and removes it from being one-sided and assigns an active role to the criminal in the judicial process [29]. Having the ability to suspend, convert and discount is one of the other merits and features of alternative punishments of imprisonment. Therefore, if due to an external

obstacle outside of the convict's will or due to a disability related to the convict, it is not possible to implement it temporarily, it can be suspended. According to Article 81 of the Islamic Penal Code, if "implementation of all or part of the alternative punishments of imprisonment is faced with an obstacle, the punishment ordered or its undivided part will be implemented after the obstacle is removed." If the said obstacle is caused by the deliberate behavior of the condemned and to stop the punishment, the main punishment will be executed. Also, according to note 4 of article 83 of this law: The execution judge can temporarily suspend public services for up to three months during the period, considering the physical condition and the need for medical services or family disabilities and the like or propose its conversion with other alternative punishments to the court issuing the sentence. According to Article 79 of the Islamic Penal Code, it has been stated in relation to the reduction of punishments that: If the convict's compliance with the provisions of the court order indicates that she/he has improved her behavior, the court can reduce the remaining period of the sentence by half once upon the proposal of the judge of the execution of the sentences.

Disadvantages and shortcomings of alternative punishments

There are several disadvantages for this category of crimes. For example, in the Islamic Penal Code of 2012, it seems that there are deficiencies in terms of the variety of these punishments because almost none of the alternative punishments of imprisonment mentioned in this law can use the existing individual talents and abilities in a favorable way. By examining the listed alternative punishments, it is felt that the legislator in Iran has focused his main focus on intimidation, especially intimidation through financial fines, and paid less attention to the use of the criminal's skills, abilities, and talents [30]. In addition, the

lack of provision of monitoring and control measures by the institution in charge during parole in the Islamic Penal Law approved in 1991 was one of the flaws and disadvantages, which fortunately was resolved to some extent in the Islamic Penal Law of 2013. Another drawback in this field is the intervention of relatives, citizens and private institutions in monitoring and taking care of the perpetrators of crimes [31]. In addition, from the point of view of some jurists, the execution of the semi-liberty system, which replaces the traditional imprisonment, means that the convict spends part of his sentence in prison and the other part outside of prison. which is unjustifiable due to the lack of executive guarantee for compliance with obligations and non-commitment of a new crime on the part of the convict and confuses the principles governing the law. Therefore, the use of this method creates doubts regarding a number of universal principles of criminal justice, such as the principle of equality of citizens, because resorting to this system is a precaution for the judicial authority. Therefore, the confusion of the authority of the criminal justice system, which is created as a result of consensus, causes the awe and authority of the criminal justice system to be broken and the aspect of its intimidation to be broken, thus providing a platform for the abuse of some criminals [32]. According to a number of jurists, the main problem and defect in Iran's penal laws, especially the Penal Law approved in 1996, is the confusion and inconsistency in the penal laws in the use of imprisonment as the main punishment for most crimes, which has been ignored. Although the Islamic Penal Code of 2013 and the Law on Reducing the Punishment of Imprisonment approved in 2020 try to solve these problems to some extent, but still this inconsistency can be seen in the implementation of this type of punishment, as well as disregard for the individual personality and mental states of the criminal which reduces the effect of discussion

and achieving the goals set for these punishments [33].

The effects and consequences of the implementation of the alternative punishment of imprisonment

Although, from the point of view of some experts, alternative punishments have not yet been institutionalized, but their use in many cases, especially by prosecutors and courts dealing with crimes, shows the positive impact of this judicial approach on criminals and fellow members of the society.

In a scientific classification, all the positive and even negative works can be classified into economic, social, cultural, political, moral, etc. groups, and in the following we will only explain its moral and social effects.

Positive effects of alternative prison sentences

A) At the social level

The most important social effects of the implementation of alternative prison sentences are:

1. Social education: Alternative prison sentences may be used as an opportunity for social education and the development of people's skills. Community service programs can help people learn from their mistakes and get back into society.
2. Reduction of the number of prisoners: the use of alternative punishments of imprisonment can lead to a reduction of the number of prisoners in the judicial system. This can reduce the pressure on the prison system and the problems of prisoners and its moral consequences.
3. Possibility of correction: alternative punishments of imprisonment provide an opportunity to correct people's behavior. People who perform community service as part of their sentence may benefit from the opportunity to learn and change their behavior.

4. Preventing a person from returning to commit a crime: Some alternative punishments to imprisonment can help prevent future recidivism. People who are under surveillance often prefer not to take criminal action to avoid re-arrest.
5. Reducing the costs of the judicial system: Paying attention to alternative punishments of imprisonment can reduce the costs of the judicial system. Incarceration leads to high costs for society, while some alternative punishments to imprisonment may be less costly.
6. Promotion of positive behaviors: alternative prison sentences can help people to engage in more positive behaviors in society and take more responsibility for their actions and decisions.
7. Enhancement of social interaction: Some alternative punishments to imprisonment, such as community service, may increase the social interaction of individuals with the community. These interactions can help strengthen people's social connections and social networks.
8. Development of social skills: Some alternative punishments to imprisonment can help develop people's social skills. These skills include communication skills, work skills, and management skills that help people reintegrate into society.
9. Strengthening social connections: Some alternative punishments to imprisonment can help strengthen people's social connections. These interactions can help people improve their relationships with family, friends, and society.
10. Modulating the social effects of crime: alternative punishments of imprisonment can help to moderate the social effects of crime. Instead of sending people to prison, which can affect families and communities, they can bring people back into the community and

help restore family and community relationships.

11. Educational Effects: Alternative punishment programs may teach people new things and strengthen essential skills. This can help empower people to return to society and start a positive life.
12. Increased social support: People under alternative prison sentences usually receive more social support from family, friends, and even social institutions. This support can help people change their behavior and return to society.

B) At the ethical level

The most important moral effects of the implementation of alternative punishments are:

1. Principles of justice: alternative punishments of imprisonment can be more consistent with the principles of social justice. For example, people with different financial resources may be punished by paying a financial penalty based on their income, which seems fairer than a uniform prison sentence for all.
2. Attention to humanity: Since alternative punishments to imprisonment are usually focused on education and reintegration into society, they can have some kind of attention to humanity and respect for people's human rights. This can help to improve society and social differences.
3. Abiding by the rules: Alternative prison sentences may remind people that it is important to abide by the rules of society. These moral principles are of great importance and can help to strengthen social sense and responsibility.
4. Reducing social discrimination: alternative punishments of imprisonment can help reduce social discrimination. These punishments can give people a chance to learn from their mistakes and reintegrate into society, rather than being treated as prisoners and relegated to social isolation.

5. Increasing transparency and trust in the judicial system: The successful implementation of alternative prison sentences can increase transparency in the judicial system and strengthen people's trust in this system. When people see that the justice system is concerned with justice and social impact, they are more likely to trust the system.

Negative effects of alternative prison sentences

Alternative prison sentences may also have negative effects, particularly if they are poorly designed or implemented. Some of the possible negative effects of these types of punishments at the social and moral level are mentioned below:

A) At the social level

1. Lack of fear of punishment: If the alternative punishments of imprisonment are not sufficiently intensified or implemented, people may have less fear of the consequences of criminal actions and commit new crimes.
2. Low effectiveness: some alternative punishments of imprisonment may not have a favorable effect on the behavior of individuals. If programs and interventions are poorly designed or poorly monitored, people may not benefit from them.
3. Ignoring the necessity of isolation: some people need isolation and may face problems in social environments. Forcing people to participate in community programs as alternatives to incarceration can be harmful and have adverse effects.
4. Social problems: Some alternative punishments to imprisonment may cause social problems, especially if they are poorly designed. These problems may lead to social tensions and disputes.
5. Failure to ensure community security: If alternative prison sentences are designed in such a way that dangerous and addicted people are returned to society without regard

to community security, community security may suffer. This can lead to an increase in crimes and risks for people.

6. Reduction of order and order: If alternative prison sentences are implemented improperly and people cannot respond to the criminal effects of their actions, order and order in society may decrease. This may lead to increased crime and lack of trust in the justice system.
7. Disappointment with the justice system: If alternative prison sentences are implemented ineffectively and people do not benefit from their positive results, disillusionment with the justice system may occur and lead to a decrease in trust in the justice system.

B) At the ethical level

1. Violation of human rights: If alternative punishments of imprisonment are implemented without considering the human rights of individuals, they can result in human rights violations. For example, forcing people to perform social services or customer care programs without respecting their rights can violate these rights.
2. Increased discrimination: Alternative prison sentences may, if improperly designed, make people feel discriminated against. This may arise especially in cases that are applied due to racial, gender, social, etc. factors.
3. Abuse: If the punishment system instead of imprisonment is implemented without sufficient supervision and an effective system, individuals or institutions may misuse these punishments and use it as a tool for abuse of power.

Ignoring victims: In some cases, alternative prison sentences may lead to ignoring the needs and rights of crime victims. This can lead to increased damages for crime victims.

CONCLUSION

Alternative punishments, as a new system of

determining punishment, which is sometimes based on psychological and sociological principles. In which, based on the conditions of the criminal, the crime committed, the conditions of the victim and the society, a package of punishments is presented in a combination and in accordance with the conditions of the society, which can have very diverse social, economic and cultural effects on the lives of people in the society. This type of punishment can fulfill the important goals of the punishment and if the punishments are adapted to the features and economic and social conditions of the criminal in proportion to the crime committed, it has a high deterrent power. Applying such punishments can compensate for the damages caused by the crime committed by the criminal, the damages caused to the victim, and the damages caused to the society, and it also brings countless benefits from the social point of view. Because in determining this punishment, the conditions of the victim and the amount of his lost funds are also taken into account, and the criminal is also obliged to compensate for his loss according to his ability and status. As a result, it can increase both public trust and the criminal's trust in the judicial system. And while strengthening social ethics and respect for humans [even criminals], the negative consequences of crime will be reduced and less punishment will be applied to the criminal and his family, and finally the whole society will benefit. Since the society also participates in the implementation of this type of punishment, public trust in the criminal justice system is increased, and while strengthening morals in the society, it becomes possible to reform the criminal and return him to the society faster. Therefore, the implementation of these punishments, while creating a sense of satisfaction and positive influence in a human society, strengthens moral and appropriate behavior in the society and causes a new birth of criminals to do better work in the society. In order to benefit more from the social and moral effects of alternative punishments of imprisonment, the following suggestions are offered:

- Alternatives to imprisonment should be localized with the culture of our country, because all punishments are not compatible with Iranian culture, and therefore, utmost care should be taken in using them.
- Monitoring and surveillance solutions and the

institutions and institutions responsible for their implementation, the duties and limits of discretion of the receiving institutions and more interaction with the judiciary, especially the execution of sentences, should be provided more clearly and accurately in the law.

- The legal ambiguities and loopholes regarding alternative punishments should be resolved.

More appropriate training and foundation for the expansion and application of this type of punishment by judges.

ETHICAL CONSIDERATIONS

Ethical issues (such as plagiarism, conscious satisfaction, misleading, making and or forging data, publishing or sending to two places, redundancy and etc.) have been fully considered by the writers.

CONFLICT OF INTEREST

The authors declare that there is no conflict of interests.

REFERENCES

1. Bensaed R, Heidari M, Malmir M. Alternative punishments to imprisonment in achieving the goals of punishments. *MLJ* 2021; 15 :963-978. (In Persian).
2. Saneei P. General criminal law. 1st ed. Iran/Tehran: Ganje Danesh Publication. (In Persian). 2011.
3. Shahcheragh S H. Analysis of Article 134 of the Islamic Penal Code 2013, series of judicial sessions in the 7th and 12th District Courts of Tehran. (In Persian). 2014.
4. Sevdiren O. Alternatives to imprisonment in England and wales, Germany and Turkey (a comparative study). London New York: Springer Heidelberg Dordrecht. 2011.
5. Madih A, Rahmat M R, Arzhang A. Favorable Social and Moral Consequences of Organized Crime Management in Society. *Int. J. Ethics Soc.*, 2023; 5 (2) :13-24. Doi: [10.52547/ijethics.5.2.2](https://doi.org/10.52547/ijethics.5.2.2)
6. Parchami D, Derakhshan F. Examining social penalties alternatives for imprisonment and crime reduction. *Sociological Studies*, 2018; 11(40): 49-68. (In Persian).
7. Fallahi F, Ramezani A, Fallahi A, Mazlum Rahni A. Analysis of science and knowledge from the perspective of evidence to prove criminal cases; Philosophical-ethical study. *Int. J. Ethics Soc.*, 2021; 3 (2) :27-35. Doi: [10.52547/ijethics.3.2.27](https://doi.org/10.52547/ijethics.3.2.27)
8. Afsharnia F, Ansari A, Kiaee A. Social and ethical requisites of the legal system to enforce foreign judgments for family lawsuits. *Int. J. Ethics Soc.*, 2021; 2 (4) :1-9. Doi: [10.52547/ijethics.2.4.1](https://doi.org/10.52547/ijethics.2.4.1)
9. Hudson B. (2003). Understanding justice: an introduction to ideas, perspectives and controversies in modern penal theory. Buckingham, England: Open University Press.
10. Salahi J. Criminology. 1st ed. Iran/Tehran: Mizan Publication. (In Persian). 2007.

11. Cavadino M, James D. The penal system: an introduction. 4th ed. USA: Sage Publication. 2013.
12. Primoratz I. Justifying legal punishment. New Jersey: Humanities Press International, Inc. (1999).
13. Cottingham J. Philosophy of punishment. *Naqd Va Nazar*, 1997; 3(12): 178-207.
14. Bouloc B. Criminology. Translated by Najafi Abrandabadi A. 1st ed. Iran/Tehran: Majd Publication. (In Persian). 2005.
15. Pradel J. Histoire des doctrines penales. Translated by Najafi Abrandabadi A. 1st ed. Iran/Tehran: Samt Publication. (In Persian). 2002.
16. Maniya M. Women Criminals and their Life-style. New Delhi: Kaveri Books. 2004.
17. Hoseini S M. Deterrent punishment for theoretical problems and practical problems. *Journal of Law*, 2013; 40(2). (In Persian).
18. Bahremand H. The Policy of Reducing Prison Population in Legislative System of Islamic Republic of Iran. *Strategy*, 2017; 26(1): 357-382. (In Persian). Doi: [20.1001.1.10283102.1396.26.1.13.0](https://doi.org/10.10283102.1396.26.1.13.0)
19. Razani B. Obtaining security from the defendant and its historical background in Iranian law. [M.A. thesis]. Iran/Tehran: Shahid Beheshti University. (In Persian). 2014.
20. Ashoori M. Alternatives to prison or intermediate punishments. 1st ed. Iran/Tehran: Gerayesh Publication. (In Persian). 2003.
21. Pourhashemi A. Prison is the art of punishment or legal punishment. 1st ed. Iran/Tehran: Vice President of Social Affairs and Crime Prevention. (In Persian). 2014.
22. Aliabadi A. Criminal law. 1st ed. Iran/Tehran: Ferdowsi Publication. (In Persian). 2007.
23. Ashouri M, Fathi MJ. Assessing the rules governing mitigating factors in the Iranian law. *Law Quarterly*, 2009; 39(2):1-10. (In Persian). Doi: [20.1001.1.25885618.1388.39.2.17.3](https://doi.org/10.1001.1.25885618.1388.39.2.17.3)
24. Ahmadi S F. Rehabilitation of criminals in the light of the interaction of criminology and criminal procedure. [M.A. thesis]. Tehran: Allame Tabatabaei University. (In Persian). 2015.
25. Habib Parvin K. Strategies to reduce detention due to appointment. 1st ed. Iran/Tehran: Ghaza Publication. (In Persian). 2009.
26. Najafi N, Zolghadr R. Teaching and learning (educational axes) as alternatives to imprisonment. *Journal of Civil and Legal Sciences*, 2019; 3(10): 3538-3701. (In Persian).
27. Gholami H, Khaksar D. Effective factors on adjudicating alternatives to imprisonment. *Journal of Criminal Law Research*, 2019; 7(26): 9-40. Doi: <https://doi.org/10.22054/jclr.2018.27124.1528>
28. Eitenabi M. Criminal investigation of alternative punishments of imprisonment. *Journal of Civil and Legal Sciences*, 2018; 2(8): 443-457. (In Persian).
29. Hashemi Shahroudi S M. Why imprisonment? 1st ed. Iran/Tehran: Negaran Publication. (In Persian). 2005.
30. Mirzaee A. Effective criminal convictions in Iranian law. 1st ed. Iran/Tehran: Majd Publication. 2012.
31. Ahmadi, A., Janipour, K., Janipour, A. Alternative Punishments to Imprisonment under Iran and International Criminal Laws: Challenges and Solutions. *Journal of Political Strategy*, 2022; 5(19): 1-21. (In Persian). Doi: [20.1001.1.25884565.1400.5.4.1.2](https://doi.org/10.1001.1.25884565.1400.5.4.1.2)
32. Niazipour A. Agreement on criminal procedure. 1st ed. Iran/Tehran: Mizan Publication. (In Persian). 2011.
33. Alizadeh H, Nikkhah Sarnaghi R, Javadi M H, Seyyed Esfahani H. The dream of deprivation of liberty to the aspects of deterrence and impunity of punishment in the light of the law reducing the punishment of imprisonment 1399. *Journal of Criminal Law and Criminology*, 2022; 10(19): 99-125. Doi: [10.22034/jclc.2022.305075.1566](https://doi.org/10.22034/jclc.2022.305075.1566).