

ANALYSIS OF IMPRISONMENT ELIMINATION AND REDUCTION OF CRIMINAL POPULATION IN JURISPRUDENCE AND ISLAMIC LAW AND ISLAMIC PENAL CODE OF 2013

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**Nazanin Shahmiri
Moghaddam**
Islamic Azad University,
Department of Law, Khomein
Branch, Khomein, Iran

Hussein Khosravi
Islamic Azad University,
Department of Law, Khomein
Branch, Khomein, Iran

Samira Golkhandan
Islamic Azad University,
Department of Law, Khomein
Branch, Khomein, Iran

Abstract. Although the effort of western philosophers and lawyers over the 17 and 18th centuries in field of preventing use of violent and severe punishments has led to acceptance of prison as a main punishment in early 19th century, excessive use of prison soon led to emergence of severe criticism towards the punishment due to inefficiency of imprisonment penalty in rehabilitation of prisoners and health and mental disorders in it, so that even the proponents of the punishment were also encountered doubt and showing reaction. One of the most important reactions towards the protests was the suggestion of using alternative options of imprisonment and avoiding that; unless as the last resort. In this study, the author is aimed in analysis of imprisonment elimination in Jurisprudence and Iran Law with discrimination of the main research question that how is the nature and basis of imprisonment elimination in Iran law and jurisprudence? The author has applied descriptive-analytical method and found that revise of determination of punishments and applying imprisonment penalty and diversification of features of criminal arsenal to reduce imprisonment and use of imprisonment penalty is essential just for severe punishments and for dangerous criminals. Moreover, it seems that same option (amendment of criminal laws) to increase the range of applying alternative punishments of imprisonment and mitigation of imprisonment penalty in the laws and it could be possible to pave the way for reduction of criminal population of imprisonment and not criminal population absolutely.

Key words: imprisonment penalty, criminal population, imprisonment alternative punishment, prison

1. INTRODUCTION

Human has always punished the violators and criminals under different titles always to defend the rights to freedom of life and property. Moreover, the society has also showed reaction against the crimes and criminals using punishment to protect the security and to make fear of crime for others and to punish the criminals. Although the most violent punishments are used for the criminals and offenders to the date, the increase in delinquency and crime is not prevented. When imprisonment penalty was codified as one of the main punishments after death penalty, it was considered as an adjustment in severity of punishments. Soon, because of lack of enforcement of proper rehabilitation methods in prisons, the disadvantages of imprisonment were revealed (Danesh, 1997).

In ancient times, criminal sanctions used to be applied in frame of severe physical and punishing penalties. By that time, penalties were on the basis of revenge and suppression of criminals and used to be applied in form of forcible physical punishments, especially death penalty and other inhumane punishments. Although imprisonment penalty has been existed since last times, it has not been among the common punishments of those times because of limited and partial use of this punishment. However, it could become one of the punishments of criminal arsenals gradually over the time. At the first, the imprisonment alternative penalty instead of severe physical punishments was highly hoping in terms of adjustment of form of punishment despite to inadequate situation of prisons. However, over the time, because of inattentiveness to situation of prisons, increased number of prisoners and the profession of prisoners, the hope was changed into disappointment.

Prison continued its evolution over the 2 centuries and was changed into the punishment claiming for providing security for the society and saving the society against criminals and even it was claimed that prison has the ability to treat the criminals. The Prison Reform System Movement was intensified with the advent of Revolution 1789 of France and its range was gone over the Europe and generally, the orientation of prison from the place of imposing pain to the center for rehabilitation was begun. Till 1970, the efforts were mostly focused on repairing, meeting defects of prisons and making the prisons more efficient and equipping the prisons to rehabilitation means. The criminological studies show that all amendments taken in regime of prisons over the two decades leading to relative

improvement of physical conditions of prisons have not led to positive outputs on social rehabilitation of criminals and prevention of recidivism and the rehabilitation theory and correction of prisoners in many countries has been failed (Mohaddes, 2009, 9).

Imprisonment penalty as one of the earliest means of criminal policy in 18th century and introduced as the most favorable replacement for types of death penalty in 19th century was widely welcomed by majority of legislators of criminal systems and used to be considered as the most common legal and judicial punishments. However, in 20th century, due to the criminological findings, prison was introduced as a pace for enforcement of penalty to deprive right to freedom, especially in terms of recidivism. Hence, criminal laws decided on one hand to find some replacements for them and on the other hand, they decided to diversify the way of enforcing them in form of establishment of open and semi-open environment (Deputy of Judicial Training Department, 2008, 326).

Unfortunately, majority of prisons provide conditions for crime commitment and because of plurality of prisoners, correction plans are not successful, so that offenders with and without history of crime commitment have forcible coexistence and make ultimately plans for criminal activities in future. Punishments of life and long-term imprisonment in underlying crimes could be for providing more supports for the society; although imprisonment could not be used always in all cases of less important crimes (Goldoozian, 2008, p. 323).

Another main problem with the prisons of the world is the excessive congestion and crowd of prisons, so that the congestion has cancelled the ability to classify criminals and has made problem with principles of classification of prisoners to high extent (Shams, 2008, p. 79).

Provisional and arrangement measures are considered sufficient even out of the space of prisons for rehabilitation and re-socialization of criminals. High expenses of prison to maintain prisoners and for underlying crimes, especially crimes against life and against public order and welfare could be treated with death penalty and unconditional enforcement of the punishment and physical punishment like lashes (Noorbaha, 2009, p. 373)

One of the clearest issues is that arrestment and imprisonment could have undesirable effects on prisoners and these complications could be intensified in cases that the prison is undesirable. Also, the bad education taken in the prison is claimed by everyone and the anxieties, stresses and mental diseases, depressions and physical diseases of prisoners and the complications created for the families of prisoners are clear to the officials and it is known that human resource and additional costs for maintenance of prisoners are imposed on the society (Deputy of Judicial Training Department, 2008, 399).

Imprisonment penalty could itself provide conditions for crime and could cause increase in crimes at the society and the criminals have been unable to be resocialized and rehabilitated and it can prevent their rehabilitation in most cases, but also more dangerous criminals and heavier criminal load is returned to the society. The witness on this issue could be the statistics provided by judicial authorities of France from Paris: 80% of prisoners of this prison are people, who have been imprisoned before their recent crime commitment for same crime or other types of crime and they have committed crime again after tolerating their punishment (Najubarani, 2013, 28).

Nowadays, the necessity of usefulness and efficiency of imprisonment penalty has faced ambiguity because of insufficiencies and defects and the custodians and scholars tend to find out that how the society could be get rid of imprisonment. Unfortunately, despite to abundant emphasis since last few decades, the theory of correction of criminals in prison has been failed, since in short-term imprisonments, because of lack of enough opportunity, it is impossible to apply correction activities is impossible in practice and in long-term imprisonments, the inconsistency risk of the offender with the society after existing from prison and the risk of recidivism is very high. As a result, the claim for correction of criminals in both types of prison is nothing other than an exaggeration. To solve the problems with prison and imprisonment, revision of policies, foundations and current structures is unavoidable. It seems that today, the imprisonment penalty, especially short-term imprisonment, have lost their efficiency gradually and need academic decisions to reduce issuance of such penalties and suitable alternatives to reduce the volume of criminal population of prisons and to prevent crime commitment in people with criminal motivation and to help re-socialization and punishment and correction of criminals. This is

because; getting the people away from the society and imprisonment even for short time could cause a negative background and history and criminal identity and could bother the soul of the criminal and could cause more fall and collapse of such people and no one could be punished and corrected with disrespect. This is because; even with the assumption that prison is prepared for correction of criminals with suitable solutions and education, this could not be achieved in short-term imprisonments because of short time. In long-term imprisonments, the tendency of prisoner for taking cultural and corrective activities is declined, since the prisoners think that they are losing a few years of their life and are disappointed by the future. In addition, imprisonment of criminals could have negative effects on the society and family of criminals and could cause problems with the living conditions and family income and the same issues could intensify the importance of follow up the issue.

1.1. Definition of the term "imprisonment"

With regard to lexical meaning of imprisonment in previous section, this term should be analyzed in terms of jurists and penal code.

In penal code, imprisonment refers to deprivation of freedom and power in certain or uncertain time, during which there is no waiting or release; unless it could be arrestment. In criminal literature, the term "imprisonment" is used to show the concept of deprivation of freedom as punishment (Saffari, 2009, p. 122).

1.2. In jurisprudence

In religious terms, imprisonment is not in limited or special place, but also it has general meaning and means to deprive freedom of action of someone or limit someone in actions and behaviors (any place). Hence, attendance of the debtor taken by the creditor is a kind of legal imprisonment (Goodarzi, 2007, p. 40).

1.3. In law

In legal terms, imprisonment refers to deprivation of physical freedom and limitation of power of exiting from special place called prison for certain or uncertain time whereby the sentence of qualified court, in which there is no waiting for freedom before the end of that time; unless in special cases whereby the legal sentence (Imani, 2003, 233).

1.4. In criminology

Imprisonment is the main and the most common punishment to limit or deprive freedom. Nature of imprisonment is criminal; although it is different from legal nature of financial convictions in case of lack of settlement of debts. Therefore, in criminology, imprisonment is studied as punishment (criminology booklet, 2014, Dadgostar Legal Database).

1.5. Philosophy of imprisonment penalty

All social systems of the recent century and all countries of the world have typically to accept the existential reality of prison in criminal and legal system and political system. Regardless of the functions and negative performance of prison, the current societies may encounter various problems caused by abnormal social behaviors without presence of prisons. Hence, between the options bad and worse, they have to choose the option bad (existence of prisons) (Rehabilitation and Training Journal, 2013, 14).

Although the imprisonment at the current society is the most important means for social defense after death penalty in field of fighting against delinquency and crime and providing order and security, the investigations are being continued to provide the best correction and rehabilitation method and change types of punishments inserted in criminal law. However, no punishment is determined and accepted publically yet instead of imprisonment and it has been tried to suspend the punishment through enforcement of freedom method through taking care and half-freedom regime and maintenance of offenders in open institutes, weekend imprisonment and employment in public benefiting jobs could prevent the corruptions of prisons and increase in criminal population of prisoners. This is because; the goal of society by imprisonment penalty is considered (Taj Zaman Danesh, 1997, 1).

The attitude is that although imprisonment is not suitable solution to encounter all types of crime, the philosophy of enforcement of life imprisonment is the issue of prevention. If the method is used excessively, the ugliness of prison would be failed (*Correction and Rehabilitation Journal*, 2012, 3).

The issue discussed over the years by policy makers and criminologists is that can overuse of imprisonment reduce the crime commitment level?

Mir Mohammad Sadeghi: despite to criticisms to imprisonment system and inadequate conditions of

prisons since late 19th century in different countries, imprisonment is still the most common punishment for the perpetrators of heavy crimes across the world, so that it may be impossible to imagine a criminal policy without prison in mind. Hence, with understanding this issue, the slogan of absolute elimination of prison and use of alternative punishments could not be realistic under current conditions. Imprisonment is a kind of punishment and penalty and hence, it could be studied in field of criminology. One of the divine and natural rights of human is freedom and the freedom has been certified and emphasized in Holy Quran, Human Right Declaration and in Constitution of Iran articles 32 and 33 of the said law. Some codes such as Islamic Penal Code and Criminal Procedure Law, observance of freedom and lack of violation of this right is guaranteed; although this freedom is not unlimited and observance of ethical and religious values and social values and security of the society and public order and good ethics and the interests make the freedom limited in some cases. Qualified authority for this limitation is limit of law and it is prohibited to violate that, except for some cases said by law (Judiciary, 2008, 397).

The opening speech of Ayatollah sayed Mahmud Hashemi Shahrudi: some criminals have such situation that they take measure for recidivism under any conditions and they could not be punished by death penalty on the other hand. Hence, it is natural that such people should be imprisoned in prisons (Organization of Prisons and Corrective Measures, 2002, 22).

Braque, Managers of Elmira Prison in Ney York says: "the prisoners come here on name of punishment and not for punishment" (Shambayati, 2009, 385).

1.6. The aim by imprisonment penalty

One of the clearest achievements on criminal schools and new thinking schools in regard with nature and goals of punishments is gradual but strong plan of imprisonment or deprivation of freedom as a punishment. Through enforcement of imprisonment penalty, the offender is rejected from the society for a while and the danger of such person is eliminated from the society (protecting the society and social order) and no risk could also treat the criminal (protection of rights of the offender from the danger of victims or other people and preservation of crime evidences). Moreover, the prisoners could be classified and they should be placed under special method, so that they are

changed into sociable and legal people during living in prison (the aim is individualization, correction and re-socialization of offenders). Moreover, imprisonment penalty could be divided to various cases and characters despite to some punishments and the compensation is also easier in cases that judge has made a mistake (Saffari, 2009, p. 121).

The main goal by imprisonment of criminals, in addition to supply social security and prevention of recidivism, is affecting character of criminals for their blissful return to the society and life without crime (Shams, 2008, 175).

1.7. The goals of imprisonment penalty

1.7.1. To provide justice

The Almighty God says: "And who is more unjust than one who is reminded of the verses of his Lord; then he turns away from them? Indeed We, from the criminals, will take retribution" (As-Sajdah/22). On the other hand, in majority of crimes, in addition to such disrespect, the criminal achieves some desires and interests, which are illegal and illegitimate and achievement of such interests through committing crime could cause deprivation of others from their legal right (Tabatabai, 1996, vol.14, p.229).

Moreover, through committing crime, criminals hurt the emotions and feelings victim and the family of victim and other people of the society and destroy the sense of security and social welfare as one of the pillars of healthy social life and all of these measures can lead to destruction of justice in individual and social dimension (ibid, p.332).

Under such conditions, there is need to preparation of justice once again and all legal schools believe that they are committed to reconstruct justice and they try to achieve this goal.

In Islamic legal system with the basis of justice, the criminal regulations generally and criminal laws specially are codified for reconstruction of justice and the injustices caused by crime commitment should be destroyed as much as possible and the just conditions before crime commitment should be provided (Taj, 1989, p.43).

1.7.2. Prevention

Prevention of crime commitment and make barrier to prevent going close to practical and ethical corruptions has possessed wide range of Islamic educations. Along with plans destroying the

criminal motivations and correcting humans from inside, Islam has also considered an outside preventive factor that if people go towards taking criminal measures and violation of laws despite to all educational plans of Islam and if they again violated rights of others, they could be controlled by this factor from outside and their criminal measures could be prevented. This factor is same punishment codified by the legislator and such punishments could prevent recidivism in a special way (Saafi, 1990, vol.2, p.184).

However, it is natural that prevention of crime commitment should be taken in such way that could overcome criminal emotions of potential and actual emotions and hence, achievement to prevention goal is along with a kind of sense of fear, which may be in conflict with some other goals of punishment (ibid, p.202).

1.7.3. Correction and rehabilitation

In lots of crimes, ethical and social rehabilitation of criminal for future is possible and the criminals could take an educational and corrective plan to return to the society and take the proper way of living. However, in view of Islam, people should be trained in such way that not only they avoid committing crime and sin, but also they could guide others and prevent crime commitment at the society. However, despite to educational plans of Islam, if people commit crime, Islam won't leave them, but also it tries to implement proper educational plans for them and place them under same rehabilitation conditions. The most important educational plans for criminals could be encouraging them to return to divine values (Tabatabai, 1913, vol.14, p.312).

1.7.4. Refinement of offender and combination of sin

The Almighty God says in Holy Quran: "But whoever kills a believer intentionally - his recompense is Hell, wherein he will abide eternally, and Allah has become angry with him and has cursed him and has prepared for him a great punishment" (An-Nisa/93) (Ahmadi, 1990, p.228).

1.7.5. Social System Protection

As Islam pays attention tow both personal and social aspects of human life having regulations relating to social life of human. Accordingly, Islam has provided various programs to create a healthy creative life without any corruption and break down. This study is not willing to mention all of the Islamic

programs but the effect of criminal system of Islam on a healthy social system is mentioned herein. Healthy social life depends on the public security and respect for mutual rights and tasks; public security also depends on the principles of a social life. According to an inductive viewpoint without emphasis on the confinement, the main elements of a social life consist of religion, life, property, respect, human personality, wisdom, and reason of human.

1.8. Pros and Cons of Imprisonment Penalty

1.8.1. Reasons of Imprisonment Penalty Proponents

Proponents of imprisonment penalty consider the prison as a place to correct and re-socialization of criminals mentioning beneficial effects and results of this punishment (Noorbaha, 2009, P. 373).

1. Imprisonment penalty elimination may make judges to issue death penalty.
2. In case of prevention related to prison, the point is prevention the criminal from crime during imprisonment that cannot be obtained through prison alternatives.
3. It is not clear how to behave toward dangerous criminals and crime perpetrators to protect the society from such risks in case of imprisonment penalty elimination (Mohades, 2009, p. 14).

1.8.2. Reasons for Opponents of Imprisonment Penalty

Unfortunately, majority of prisons are a place for crime commitment and corrective programs are not successful because of numerous number of prisoners so that criminals and convicts have to live with each other and may plan for committing crimes in upcoming future. Long-term and permanent punishments in important crime cases have been created to protect the society while imprisonment penalty cannot be issued in case of insignificant crimes (Goldoozian, 2008, p. 323).

Overcrowded prisons can be mentioned as another major problem of prisons so that such issue has removed the option of classifying the criminals eliminating the classification principles for prisoners (Shams, 2008, p. 79).

Opponent of this action consider corrective measurements even outside of prisons enough to correct and socialize criminals. Opponents of imprisonment penalty believe that such action leads to high costs to keep criminals and perpetrators of crimes against public health and to punish them (Noorbaha, 2009, p. 373).

2. RESULTS

Imprisonment penalty has been introduced as one of the first methods using in 18th century as the best criminal policy alternative to the death penalty so that it was extensively welcomed during 19th century by the majority of criminal systems' legislatures; this alternative was considered as the most common legal and judicial punishments. However, prison was introduced as the place for penalty enforcement considering recidivism in 20st century considering the findings of criminology. Accordingly, criminal systems decided to find imprisonment penalty alternatives and create various enforcement methods in framework of open and semi-open spaces.

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Obviously, detention and imprisonment have bad effects on prisoners and such effects may be greater in case of improper space of prison so that some crimes may be taught by prisoners to each other. On the other hand, experts are aware of anxieties, stresses, mental and psychological diseases,

depressions, and physical diseases that prisoners and their families suffer from them so that they know that prisoner maintenance imposes high costs to society.

Nowadays, necessity and efficiency of imprisonment penalty has been a debatable issue because of its defects and shortcomings so that experts are looking for a new method to eliminate such problem. Unfortunately, theory of prisoners' correction in prison has been failed despite the emphasis on its principles, because it is not possible to apply corrective actions in short-term prisons due to insufficient time; recidivism and lack of re-socialization may occur in long-term prisons. Therefore, it is just a claim that criminals are corrected in both kinds of prisons. Present policies, principle, and structures should be revised to solve current problems in prisons. Seemingly, imprisonment penalties, in particular short-term imprisonments are not efficient and such actions should be done to reduce issuance of such verdicts and find suitable alternative in order to reduce criminal population of prisons, prevent from crimes against who are interested in crime commitment, and do the best in re-socializing, punishing, and correcting criminals since separating the person from society and sending to prison even if for a short period creates criminal precedent and harms the mind of offender so that such person cannot be corrected. If it is assumed that suitable teachings in prison can correct the criminal, such objective cannot be achieved in short-term imprisonments. In case of long-term imprisonments, prisoner is not willing to do corrective and cultural activities since such person loses its capital and youth days without any hope for future; moreover, imprisonment has negative effects on community and relatives of criminal person disturbing life and reducing family income. The mentioned cases warn about the importance of subject.

1. Which criminal policy has been adopted by legislature in case of imprisonment elimination in Iran's law?

It should be mentioned that prison itself is neither desirable nor defected, but this cases should be distinguished. Adoption and violation of law, in particular rules with judicial aspect, requires legal knowledge and all of approvals about crimes and penalties should be accurately studied. Criminology and psychology play a vital role in knowledge affiliated to the law. Juvenile delinquency, women delinquency, and legal sociology are the most significant goals of law. Hence, criminal regulations

should not be enacted regardless of specialized opinions of experts. It is an underlying point to how maintain prisons so that there are various studies and teachings in law schools; hence, the scientific aspect of this case should be considered establishing expert workshops and obtaining opinions of experts; on the other hand, there should be enough science and experience to enact and draft the law to prevent from ambiguous, illegal, and ordinary sentences classifying the law accurately to have a scientific understandable law without any need to interpret it. However, it should be stated the imprisonment penalty and imprisonment penalty elimination that prison is a good place for some criminals while it can be a place for other prisoners to learn new crimes. In case of white-collar crime or those who have committed a crime accidentally, prison can be used as a preventive method so that some of such criminals are such famous people that prefer to pay a heavy cost instead of being in prison even for one night; in contrary, some other criminals prefer to be in prison and learn new crimes and offenses so that such persons are not willing to be sentenced to penalties such as paying fine or whipping. Hence, it should be noted that judicial officials and coders of criminal regulations should consider all scientific aspects of imprisonment penalty elimination in order not to come this conclusion that why imprisonment penalty has been removed from our criminal rules and select another wrong method. In fact, trial and error system not only is not cost-effective but also eliminates opportunities.

2. Do imprisonment penalty alternatives play a vital role in imprisonment elimination process of Iran's law?

Despite the attempts of Islamic Penal Code approved in 2013 regarding reduction in criminal populations in prisons, the current criminal rules of Iran are expanding the imprisonment penalty- in contrary to jurisprudential principles of minimum use of imprisonment penalty- so that this punishment is enforced in majority of crimes. According to the historical trend of criminal rules, other penalties such as whipping, fine payment, etc. have been reduced while imprisonment penalty has been increasingly used so that Iranian legislature approved the second part of Islamic Penal Code (Tazir (punishments)) in 1996 and reduced the whipping penalty to the imprisonment penalty and this action lead to increased criminal population rate in prisons. Although the rules related to imprisonment penalty alternatives in Islamic Penal Code approved in 2013 have taken some steps regarding limited use of freedom depriving

penalties, the cases applying as imprisonment alternative are not enough for criminal population existing in prisons. The main issue is numerous cases of imprisonment punishment singly or besides other punishments. Therefore, it is essential to revise the punishments creating various features for criminal arsenal in order to reduce imprisonment punishment and applying this punishment just for severe crimes and dangerous criminals. In addition, this option (correction of criminal rules) can be used to expand the context of imprisonment punishments in order to reduce imprisonment punishments in rules and decrease criminal population.

3. What are the benefits and challenges of imprisonment elimination in Iran's law?

Although imprisonment punishment is not perfectly enforced in Ira, this is not an enough reason to eliminate this punishment. Imprisonment punishment is a recognized punishment and global recommendation implies that this punishment should be used until a suitable alternative is anticipated. It is not possible to find a suitable alternative to this punishment in case of serious crimes. A person who commits major exploitation, forging of official documents, espionage or big robbery should not be sentenced to mild alternative punishments to imprisonment because the society will experience disordered system. The anticipated alternatives to imprisonment punishment have been existed in majority of countries but enforced as the secondary punishments. However, the current debatable issue is enforcement method of imprisonment punishment so that short-term imprisonments can be enforced under better circumstances while such punishment cannot be eliminated in case long-term imprisonments that lead to correction of criminal and satisfaction of people. The other punishments are not capable of achieving all of goals such as punishing the criminal, separating the offender from society, and correcting the criminal using imprisonment punishment. However, alternative punishments cannot achieve all of these goals.

Use of any kind of methods related to imprisonment punishment alternatives is not possible without permission of legislature; in this case, the judge will not permitted to issue such vote until the law has not authorized him to issue non-freedom depriving orders instead of imprisonment punishment. Therefore, legislature to make the best decision regarding approval of suitable rules based of the circumstances and human rights considering the fields for recommitting offense in society; in such

cases, legislature should pass specific required rules and regulations to achieve beneficial goals of society and offender.

On the other hand, the anticipated establishments of the law should be considered to examine if the anticipated establishments in criminal rules have been applied by judges mitigating what percent of the punishment. They say we do not mitigate since it has been stated in law that the judge can do this; why the law states that the judge can do this; the judge who considers all reasons for mitigation and do not this has no objective of correction. Punishment alternative is not applied by the judge; the judge does not agree with the conditional freedom. The judge is the connection loop between government and people; we had and have some such establishments but do not use them; thus, we have no legal gap so we should not look for alternative; if we had used such punishment and been unsuccessful, we would have looked for alternative punishment. Do all Iranian judges use such establishments when issuing verdicts about punishment? Do these judges think that we have such punishments? If we used such establishments in the law, we would not come to this conclusion that alternative punishment is necessary. Alternative punishments in the West are heavier than imprisonment punishment; utility services are difficult; some of these alternative punishments used besides imprisonment are severer than imprisonment punishment. If prisons are managed scientifically, imprisonment is not required. If we use conditional freedoms, imprisonment will be the best punishment.

To achieve the mentioned goal, needs of criminals should be addressed using criminology in order to take basic steps in meeting all of these needs. As we know, the objective of imprisonment of criminal person is correcting him/her or making them regret; hence, such goal can be achieved using some tools and methods including comprehensive studies, holistic follow up and scientific enforcement of punishments in order to reduce number of prisoners and enact a comprehensive law regarding optimization of prisoners' time, teaching a good lifestyle and coping with life difficulties.

Furthermore, there are different kinds of offenses in current society with technological advances so that experts should be more aware of this scope in order to identify offense, executive solutions and coping methods. Such awareness has numerous benefits such as protection from social privacy of citizens and making the criminal back to the social life. It

should be noted all of psychological principles should be followed within all steps of offense from offense detection to imprisonment of offender since such actions depend on expert viewpoints and lead new solutions.

3. LIMITATIONS

1. Inaccessibility to references and certain books about the studied subject. We spent a long time to gather relevant references while name of some of them was found without any available manuscript or paper.

2. Shortage of references and high price of books and other constraints can be mentioned as barriers to this research.

3. Considering changes in Islamic Penal Code and Criminal Code of Procedure, it was difficult to find new references.

4. APPLIED RECOMMENDATIONS

1. Change in imprisonment-based opinion in criminal verdicts of judicial authorities can be named as one of essential solutions to reduce use of imprisonment punishment. According to the issued verdicts by judges, imprisonment-orientation is an inevitable point in them; despite the some principles such as mitigation, suspension and conversion of punishment in written law of Iran and various instructions issued by Judiciary head, majority of judges do not pay attention to the subject and issue verdicts based on their current judgment. However, this viewpoint is related to this punishment in written law while it is possible to make them aware of the case teaching them and determining harms and risks of imprisonment.

2. Use of imprisonment punishment- in exceptional cases and specific offenders, in fact is a response to proponents of imprisonment punishment who are looking for a solution to punish dangerous offenders. Use of imprisonment as the last resort and use of social alternative punishments not only leads to society security but also reduces criminal justice cost significantly respecting got human rights and human dignity.

3. Mass media can be used to make society aware of imprisonment punishment and advantage of using its alternative punishments.

4. Collecting data to make officials aware of reasonable and efficient use of imprisonment.

5. Correcting criminal justice procedure form detention time to release from prison and investing in this case to prevent and reduce crime commitment.

6. Prosecuting petty crimes out of the criminal justice organization.

7. Facilitating the procedure of accused case during detention time.

8. Developing and applying alternative punishments.

9. Anticipating specific rules for young criminals.

10. Identifying mental patents and addicted people sending them to suitable healthcare centers.

11. Reducing imprisonment duration.

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