

Analysis of the Impact of Therapeutic Measures Instead of Punishment in Reducing Recidivism in Criminal Law

Danial Karimzadeh¹, Davoud Khaksar²

1. Master of Private Law, Faculty of Law, Faran Mehr Danesh Higher Education Institute, Tehran, Iran

Master of Personality Psychology, Department of General Psychology, Faculty of Psychology and Educational Sciences, Islamic Azad University, Central Tehran Branch, Tehran, Iran

PhD Student in Computer Engineering - Artificial Intelligence and Robotics, Department of Computer Engineering, Faculty of Engineering, Islamic Azad University Of Central Tehran Branch, Tehran, Iran

2. PhD in Criminal Law and Criminology, Department of Criminal Law and Criminology, Faculty of Law, Islamic Azad University Of Central Tehran Branch, Tehran, Iran

Attorney at Law, Central Bar Association, Tehran, Iran

Lecturer at Islamic Azad University

Lecturer at the University of Applied Science and Technology, Central Bar Association Unit

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ABSTRACT

Recidivism is one of the fundamental challenges in the criminal justice system, indicating the inefficiency of some traditional punishment methods in rehabilitating and reforming offenders. This study aims to examine the impact of therapeutic measures instead of conventional punishments on reducing the recidivism rate, analyzing the factors contributing to the success of this approach. The results show that therapeutic measures, including psychotherapy, addiction treatment, and social empowerment, can play a significant role in reducing crime by addressing the root causes of crime and facilitating the reintegration of offenders into society. These methods, in addition to reducing the burden on prisons, help strengthen restorative justice and crime prevention. For the successful implementation of this approach in Iran's legal system, strengthening therapeutic infrastructure and social culture is essential.

Introduction

Returning to crime is one of the serious challenges in the criminal justice system, which imposes many social, economic and psychological costs on the society. Statistics show that many criminals return to the cycle of crime after serving their sentence. This issue shows the ineffectiveness of some traditional punishment methods in reforming and rehabilitating criminals. (Hosseini, 1400)

In the meantime, paying attention to therapeutic measures as an alternative or complement to traditional punishments is a solution that can play an effective role in reducing the return to crime through the root treatment of personal, psychological and social problems of criminals. By focusing on reforming the individual and eliminating the underlying factors of crime, these measures can help the individual to return to the society successfully.

According to Article 64 of the Islamic Penal Code approved in 2012, alternative punishments for imprisonment include free public services, fines, and educational and therapeutic courses. This article expresses the effort of the Iranian legislator to move towards replacing traditional punishments with corrective and therapeutic methods.

In many countries, experience has shown that the substitution of therapeutic measures for harsh punishments has reduced the rate of recidivism. For example, using addiction treatment programs for drug-related crimes or providing psychological counselling for violent crimes has significantly helped to reduce crime. (Hosseini, 1400)

In Iran, the implementation of such programs has not yet been widely and systematically institutionalized and needs a deeper investigation and comparison with other legal systems.

Analyzing the effect of therapeutic measures instead of punishment in reducing recidivism in criminal law is an issue that focuses on the concept of rehabilitation and reformation of the criminal and is opposed to the punitive approach to criminal law. In this regard, there are several key points for analysis:

1. The concept of therapeutic measures

Therapeutic measures mean the use of psychological, psychiatric, and social methods in order to rehabilitate criminals. These measures include counselling, addiction treatment, skill training, and social support for the person's return to society. (Salimi et al., 2018)

2. The difference between punitive and therapeutic approach

Punitive approach: the purpose of punishment is to cause more suffering and punishment for criminal action. (Hoskins, Z, 2020)

Treatment approach: focusing on the causes of crime and trying to correct underlying factors such as addiction, psychological problems, or social status.

3. Reducing the rate of recidivism

Research has shown that treatment interventions can reduce recidivism for the following reasons:

Modifying harmful behaviours and reducing the risk of re-offending.

Strengthening self-confidence and social abilities of criminals.

Solving root problems such as unemployment, addiction or mental illnesses. (Hosseini, 1400)

4. Legal and social benefits

Legal: reducing the burden on the judicial system and prisons.

Social: returning people to society and reducing social and economic costs caused by incarceration. (Hoskins, Z., 2020)

5. Challenges

Lack of sufficient facilities: lack of necessary infrastructure for treatment.

Lack of necessary expertise: criminal psychology is a branch of psychology that currently does not exist in Iran as an independent criminal psychology discipline. The main task of a criminal psychologist is to predict and prevent criminal behaviour, and for this, he must master the science of criminal psychology.

Community resistance: Readmission of offenders may be met with community resistance.

Difference in the type of crime: this approach is not equally efficient for all types of crimes. (Salimi et al., 2018)

Research method

The qualitative research method is used to investigate the effect of treatment measures instead of punishment in reducing recidivism. This method allows a more detailed and comprehensive analysis of the problem. The steps and methods of the research are as follows:

-Information gathering method

A) Library studies

Examining scientific sources including books, domestic and foreign articles, laws and legal regulations related to punishment and therapeutic measures (such as Iran's Islamic Penal Code and comparative laws).

Studying the research done on the effect of treatment measures in reducing crime in other legal systems.

b) Field studies

Analysis of the content of related laws such as Article 64 of the Islamic Penal Code.

-Statistical population: judicial cases in the last five years in which alternative punishments have been applied.

-Information gathering tools include: analysis of official statistics published by the judiciary and the prison organization.

The effect of therapeutic measures on Reducing recidivism

Therapeutic measures focusing on the root correction of problems and background factors that lead to the occurrence of crime can play a significant role in reducing the return to crime. This effect can be analyzed from several aspects:

1. Eliminating the root causes of crime

Many crimes are caused by mental problems, addictions, or disordered social conditions. Treatment measures by identifying these causes and providing practical solutions, such as:

-Treatment of mental disorders: with the help of psychotherapy and psychological counselling, disorders such as aggression or depression that can lead to committing crimes are reduced.

-De-addiction: drug or alcohol addiction treatment helps to reduce crimes such as theft or addiction-related violence.

2. Empowerment and rehabilitation of criminals

Treatment measures often include teaching life skills, improving literacy, or providing vocational training to offenders. These actions cause:

-Increasing the ability of criminals to find a job and meet their financial needs legally.

-Strengthening self-esteem and reducing the feeling of social exclusion.

Reducing social stigma and facilitating return to society

One of the obstacles to the successful return of criminals to society is the social stigma caused by the prison experience. Therapeutic interventions, especially in non-prison settings, can: Avoid social labeling and judgment.

Present criminals as reformers, not criminals.

4. Create a sense of responsibility

Many treatment measures are based on the offender's voluntary cooperation with correctional programs. This process:

It increases the criminal's sense of responsibility.

It involves him in the process of rebuilding his life.

5. Reducing prison population density and its negative effects

Prisons are often an unsuitable environment for reforming people and may:

Strengthen anti-social behaviour.

Increase interaction with professional criminals.

By substituting therapeutic measures instead of prison, these negative effects are reduced and the possibility of further correction is provided.

۶. Experimental and statistical evidence

The experience of successful countries: In countries such as the Netherlands, Sweden and Germany, the use of treatment programs instead of prisons has significantly reduced the rate of recidivism.

Scientific studies: Research has shown that rehabilitation and treatment of criminals, instead of harsh punishments, reduces the likelihood of reoffending by 30%.

Conclusion

Therapeutic measures focusing on personal and social correction of criminals have the ability to reduce the driving factors of crime and return to society as law-abiding citizens. This approach is not only effective in reducing the rate of returning to crime, but also helps to reduce social and economic costs caused by crime and punishment. Treatment measures have a preventive approach and instead of focusing only on punishment, they pay attention to the roots of crime. Many criminals commit crimes due to psychological, economic, or social problems. If these problems are solved in the form of treatment or rehabilitation programs, the likelihood of them returning to the cycle of crime is reduced. In some cases related to addiction, criminals have been referred to addiction treatment centers instead of prison. The results showed that these people returned to crime less than those who were imprisoned. Unfortunately, these programs are not widely implemented due to lack of financial resources and lack of sufficient infrastructure.

One of the biggest challenges is the society's attitude. Many people believe that punishment should be severe and criminals should pay for their behaviour. On the other hand, there is not enough infrastructure to implement treatment measures. For example, addiction treatment centres or psychological counselling are not available enough.

Article 64 of the Islamic Penal Code, refers to alternative punishments of imprisonment. However the implementation of this article depends on the will of the judges as well as the cooperation of related organizations. Currently, this provision is mostly enforced in minor cases and should be used for more extensive crimes as well.

First, the treatment infrastructure should be expanded, including the creation of specialized centres for addiction treatment and psychological counselling. Second, necessary training should be given to judges and others involved in order to understand the importance of these measures. Third, it is necessary to create a culture in society so that people accept therapeutic measures as an effective solution in addition to punishment.

Treatment is a long-term investment for society. If implemented properly, they can have a very positive impact on reducing crime and creating a safer society.

As an alternative to traditional punishments, therapeutic measures offer a human-centred and reformative approach to criminal law. By focusing on addressing the root causes of crime, such as mental disorders, addiction, and social problems, this approach can help rehabilitate criminals and reduce recidivism.

Analyzes show that the therapeutic approach not only reduces the economic and social costs associated with prisons but also enables the successful return of criminals to society. Successful experiences in other legal systems as well as existing capacities in Iranian laws, such as Article 64 of the Islamic Penal Code, show the high potential of this approach.

However, for the full effectiveness of this method, it is necessary to strengthen the treatment

infrastructure, change society's attitude towards treatment measures, and increase the coordination between judicial, academic, medical and social institutions. Treatment measures, along with preventive policies, can be an effective step in reducing the crime rate and creating a safer and more stable society.

The field of criminal psychology studies and examines the complex functions of the mind of criminals. The main goal of the field of criminal psychology and criminal psychology is not to understand the behaviour of criminals just for the sake of knowledge, but the main goal is to prevent criminal behaviour. The psychology of crime is a field that studies the motives, thoughts, and reactions of criminals. The focus of criminal psychology is mainly on understanding criminal behaviour because if we can understand the cause and symptoms of criminal behaviour, we can predict and ultimately prevent it. The field of criminal psychology includes the study of a wide range of different aspects of a criminal's behaviour, such as the causes of such behaviour, the thoughts and feelings behind that behaviour, and finally, which people usually commit criminal behaviour.

Substitution of research and treatment measures instead of punishment can be effective in reducing recidivism, but it requires strong infrastructure, training of specialists, change of social attitude, and comprehensive cooperation between judicial, social, academic and medical institutions. This approach, if implemented accurately and scientifically, can help to reform criminals and reduce the crime rate.

References

- ۱-Islamic Penal Law approved 2012, Article 64: Definition and types of alternative punishments to imprisonment.
- ۲- Hosseini, M. (1400). The effect of alternatives to imprisonment on reducing recidivism rates. *Journal of Law and Society*, No. 45.
- ۳- Najafi Abrandabadi, Ali Hossein (2016). *Criminal law and criminal policy in Iran*. Mizan Publications.
- ۴-Salimi, M. and Nowrozi, (2018). Comparative study of alternative punishments in Iran and the legal systems of the world. *Legal Research Quarterly*, No. 21
- ۵- Organization of prisons and protective and educational measures of Iran. (2019). Statistical report on the rate of returning to crime in recent years.
- 6- Jamshidi, F. (1397). Analysis of Iran's criminal policies in reducing crime with an emphasis on therapeutic measures. *Social Justice Quarterly*, No. 12.
- 7-UNODC (2021). *Alternatives to Imprisonment: Handbook on Restorative Justice Programmes*. United Nations Office on Drugs and Crime.
- 8-Andrews, D.A. & Bonta, J. (2010). *The Psychology of Criminal Conduct*.
- 9-UNODC (United Nations Office on Drugs and Crime). (2021). *Alternatives to Imprisonment: Handbook on Restorative Justice Programmes*. United Nations.
- 10-Andrews, D.A. & Bonta, J. (2010). *The Psychology of Criminal Conduct*. Fifth Edition. Routledge.
- 11-Hoskins, Z. (2020). *Beyond Punishment: Restorative Justice and Social Rehabilitation*. Cambridge University Press.
- 12-Vec M. (2007). Die Seele auf der Bühne der Justiz. Die Entstehung der Kriminalpsychologie im 19. Jahrhundert und ihre interdisziplinäre Erforschung [The mind on the stage of justice: the formation of criminal psychology in the 19th century and its interdisciplinary research]. *Berichte zur Wissenschaftsgeschichte*, 30(3), 235–254. <https://doi.org/10.1002/bewi.200701101>
- 13-Mauer, M. & Chesney-Lind, M. (Eds.). (2002). *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. The New Press.