


The Iranian Criminal Justice System's Approach to the Risk-Based Rehabilitation Model or the Good Lives Model for Sexual Offenders

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Sex offender rehabilitation models serve as one of the most critical tools for addressing sexual crimes and reducing recidivism, significantly contributing to the improvement of individuals' conditions and the decline in sexual crime rates. These models, focusing on various aspects of rehabilitation—including psychotherapy, skill training, and social support—assist individuals in reintegrating into a crime-free and normal life. This article examines the Iranian criminal justice system's perspective on the risk-based rehabilitation model or the Good Lives Model for sexual offenders. The primary question addressed is: What mechanisms does the Iranian criminal justice system employ to facilitate the reintegration of sexual offenders into normal life? This study employs a descriptive-analytical method, utilizing library research tools for data collection. Findings indicate that the application of the concept of repentance (*Tawba*), as reflected in the practical behavior of the offender, plays a crucial role in reintegration and the avoidance of sexual deviance. In addition to repentance, the semi-freedom system offers individuals the opportunity to remain outside of prison while complying with decarceration policies, thereby enabling their participation in society and reducing their inclination toward sexual deviations. Furthermore, the legislature, in judicial proceedings, has sought to employ summary proceedings and the designation of competent courts for sexual offenses, ensuring that preliminary investigations and trials maintain the confidentiality of sexual crimes. Moreover, establishing specialized courts contributes significantly to the preservation of the dignity and reputation of both the offender and their family by preventing public disclosure of sexual offenses. Preventive and rehabilitative mechanisms, implemented by various institutions such as the Welfare Organization or the judiciary, play an essential role in raising awareness and improving individuals' understanding of sexual crimes, thereby decreasing their tendency toward such offenses.

Keywords: Sexual offender, sexual delinquency, rehabilitation, offender correction, criminal justice system.

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1. Introduction

Sexual delinquency, as a social pathology, can extend to other segments of society and tarnish individuals' reputations. When an offender commits sexual violence, both the perpetrator and others are

exposed to danger, and by violating individuals' privacy, the offender engages in criminal sexual acts. Additionally, due to its significant moral and psychological impact, sexual crime leaves irreparable consequences on victims, which even punitive measures



and physical elimination cannot remedy from a social perspective.

However, in addition to punitive mechanisms, reformative and rehabilitative approaches have been considered to address sexual crimes and offenders. This approach primarily aims to mitigate the consequences of these crimes for both offenders and victims while preventing their proliferation in society. The rationale behind rehabilitative practices is that reforming offenders can protect society from harmful consequences, particularly concerning women, children, and even male victims—including female sexual offenders. Therefore, rehabilitation and correction serve as a strategy to reform offenders, reintegrate them into society, and restore their dignity, ultimately contributing to the reduction of high-risk crimes such as sexual offenses.

Sexual delinquency results in sexual crimes and offenders, and different legal systems have developed mechanisms for prevention, punishment, and rehabilitation of both offenders and victims. In criminal sciences, rehabilitation in its broad sense includes medical-psychological treatments and social reintegration of offenders through the elimination of deprivation and vocational training (Niyazpour, 2006, p. 157). This concept has been a core objective of social reactions to crime since the emergence of scientific criminology, particularly in the New Social Defense School. Rehabilitation is based on the general strategy of offender reintegration, which opposes the exclusion and elimination of offenders, instead seeking to transform them from isolated and marginalized individuals into productive and active members of society.

In recent years, rehabilitation has gained considerable attention among criminal policy scholars and practitioners worldwide. However, like most contemporary scientific and social concepts, it does not maintain a fixed and uniform form but has evolved over time in response to emerging ideas. Today, different legal systems are witnessing the emergence of a new rehabilitation-oriented approach, which has resulted from the interaction between the concept of criminal risk and offender rehabilitation.

Over the past four decades, crime and security trends have changed globally, leading to a simultaneous increase in prison populations and crime rates. This phenomenon has heightened public awareness,

academic discussions, and governmental concerns regarding the risks posed by offenders.

In the Iranian criminal justice system, Hudud sexual offenses are enumerated in Book Two of the Islamic Penal Code (IPC) of 2013, including:

- Zina (adultery) (Article 221),
- Liwat (sodomy) (Article 233),
- Ta'fkhiz (non-penetrative sodomy) (Article 235),
- Mosaheqeh (lesbianism) (Article 238),
- Intercourse with a corpse (Article 222), and
- Same-sex relations among men, excluding sodomy and ta'fkhiz (Article 237).

Additionally, in the Tazir (discretionary punishment) section, immoral offenses, including illicit relationships, are addressed in Article 637 of Book Five of the IPC.

Regarding these offenses, the Iranian penal system imposes severe punishments, such as:

- Execution, stoning, flogging, imprisonment, and fines for sexual crimes and related criminal behaviors.

The philosophy of capital punishments (such as execution and stoning) is primarily based on deterrence and intimidation. However, despite the severity of these punishments, they may not effectively prevent crime. Moreover, due to their eliminatory nature, such punishments eliminate any possibility of rehabilitation and reform for the offender.

Other punishments, such as flogging and imprisonment, also serve a deterrent function, though they may allow for the offender's correction and rehabilitation. However, due to various challenges, these punishments often make the reintegration of offenders into normal life difficult.

Thus, this study adopts a community-centered approach to examining Iran's penal mechanisms for the rehabilitation and correction of sexual offenders.

2. Methodology

This study employs a descriptive-analytical methodology, using library research tools. Initially, relevant sources and discussions on sexual crimes and their definitions are explored. Subsequently, the Iranian legal framework on the rehabilitation and correction of sexual offenders is analyzed, focusing on the 2013 Islamic Penal Code and the Code of Criminal Procedure.

3. Findings

The rehabilitation of offenders across various crimes is a significant trend in judicial sciences, given its role in reducing criminal prosecution costs, preventing the inflation of criminal cases, decarceration policies, and reforming criminal behaviors. In this regard, sexual offenses hold particular importance within Iran's judicial system due to religious and legal sensitivities, making the risk-based rehabilitation model or the Good Lives Model relevant for sexual offenders.

One key mechanism is repentance (Tawba), which serves as a means of diverting individuals from deviant behavior and fostering behavioral reform. A practical application of repentance requires monitoring the individual by close associates to ensure that they do not revert to criminal behavior, allowing for sentencing adjustments accordingly.

Another method is the semi-freedom system, which is inferred from domestic laws, including the Code of Criminal Procedure. The implementation of semi-freedom requires evidence of the offender's effort to benefit from sentencing reductions, enabling the judiciary to utilize its corrective and security measures for behavioral rehabilitation.

Furthermore, to preserve individual dignity and reputation, both Islamic law (Shari'a) and Iranian domestic laws permit summary proceedings in competent courts without requiring preliminary investigations by other judicial authorities. This plays a crucial role in handling sexual offenses, provided that no private complainant (victim) is involved.

Additionally, concealment of the offense aligns with summary proceedings, allowing for confidentiality in cases of sexual offenses. This practice facilitates the offender's inclination toward rehabilitative and corrective measures.

Preventive and rehabilitative strategies by institutions such as the Welfare Organization, judicial counseling bodies, and public awareness campaigns in media, universities, and schools significantly contribute to crime prevention and the acceptance of rehabilitation programs. These measures extend beyond offenders to their families and close associates, fostering a broader societal approach to rehabilitation.

Finally, reframing discourse by referring to "sexually deviant individuals" instead of "sexual offenders" has

proven effective in encouraging behavioral correction and promoting the Good Lives Model for sexual offenders.

4. Discussion and Results

4.1. Definition of Crime and Sexual Offenses

A sexual crime occurs when an offender, through an act leading to penetration—no matter how slight—into a person's body, assaults the victim. This act may involve penetration of any body part, the anus, or the genitalia of the victim using any object or body part of the perpetrator. The attack must occur through force, threat of force, coercion, fear of violence, unlawful detention, psychological oppression, abuse of power, or by exploiting a compulsory environment, rendering the victim incapable of giving genuine consent.

The mental element (*mens rea*) of the crime requires that the offender intended to assault, invade, or violate the victim's body and was aware that the assault would occur in the ordinary course of events (Means of Proof, 2017, p. 23).

Sexual offenses can generally be categorized into:

1. Public sexual offenses
2. Individual sexual offenses
 - Public Sexual Offenses

The variety of sexual crimes and the lack of a common denominator among different manifestations make it difficult to provide a comprehensive and precise definition. However, some definitions exist. For instance, sexual acts considered shameful based on societal norms and collective moral sentiments are classified as sexual offenses (Nobahar, 2010, p. 78).

Thus, from a legal perspective, a sexual offense encompasses any form of sexual relations between men and women that exceeds the community's accepted boundaries, making it a crime against public morality and decency, which cannot be overlooked by society and is therefore punishable by law (Mahmoudi Arsenjani, 2011, p. 85).

From an Islamic legal standpoint, sexual offenses refer to acts that violate Shari'a law, involving deviant gratification of sexual desires, sexual harm to another person, or damage to public morality—all of which are subject to legal punishment.

Under Islamic criminal law, certain acts constitute serious sexual crimes, including:

- Liwat (sodomy), even if committed privately, is considered a deviation from natural sexual relations.
- Illicit defloration of a virgin woman is classified as sexual harm to another individual.
- Pimping and facilitating sexual immorality (Qavvadi) aims to corrupt others and, on a larger scale, constitutes an attack on public morality.
- Individual Sexual Offenses

An individual sexual offense is an act that violates Shari'a law, involving deviant gratification of sexual desires or sexual harm to oneself, but does not carry legal punishment. These acts are generally perceived as shameful based on societal norms and collective sentiments (Amiri, 2019, p. 7).

Defining sexual offenses has always been a sensitive issue. In Iranian criminal law, despite the presence of various provisions on sexual crimes, no explicit definition has ever been provided by the legislature. Instead, lawmakers have merely enumerated the criminalized acts.

Moreover, legal definitions of sexual crimes vary across jurisdictions and have undergone significant changes over the past century.

Considering the above, a general definition of a sexual crime can be provided:

"A sexual crime refers to any act of a sexual nature that is explicitly criminalized by law and for which a legal penalty is prescribed" (Pourmehrban Charoudeh, 2019, p. 18).

This definition highlights the connection between sexual crimes and sexual assaults. The common element in both is the sexual nature of the act. Therefore, it can be conclusively stated that all sexual assaults constitute sexual crimes.

4.2. *The Criminal Justice System and the Rehabilitation of Sexual Offenders*

Criminalization is a process through which the legislature or any authoritative governmental body, based on fundamental societal norms and accepted theoretical foundations, identifies and prohibits certain behaviors deemed disruptive to social order through legal penalties, thereby restricting individuals' freedoms (Najafi Abrandabadi & Hashembeigi, 2011, p. 90). While laws impose restrictions on freedom, they serve to

delineate human behaviors, establishing boundaries that define individual privacy and mechanisms for social interaction.

One of the most significant categories of crime addressed across various legal systems is sexual offenses, encompassing a wide spectrum of acts such as rape, illicit relationships, and public sexual misconduct.

Within Iran's criminal justice system, sexual offenses have been extensively criminalized, with numerous acts categorized under "corruption on earth" (Mofsed-e-Fil-Arz), the broadening of rape definitions, the imposition of capital punishment, and the jurisdiction of Revolutionary Courts over such crimes—demonstrating the legislature's strict approach toward perpetrators of sexual offenses (Taheri, 2013, p. 168).

For example, in the Law on the Reduction of Discretionary Sentences (2020), Article 7, the legislature excluded offenses under Articles 639 and 640 of Book Five of the 1996 Islamic Penal Code, which pertain to establishing or managing centers of corruption and prostitution, from eligibility for sentence suspension or deferment. Additionally, Article 115, Note 2, of this law stipulates that discretionary sentences (Ta'zir) of grades six to eight cannot be waived or reduced in cases of Shari'a-prescribed discretionary punishments (Ta'zirat Mansus Shar'i).

Over time, such provisions have lost relevance for Hudud crimes and, for discretionary offenses, they do not apply to Shari'a-based Ta'zir punishments. However, in non-Shari'a-based discretionary sexual offenses, sentence reduction mechanisms may be applied, though they remain excluded from core sexual crimes.

Nevertheless, a notable shift in Iran's legislative approach has been observed, moving from a retributive stance toward a rehabilitative and corrective approach for sexual offenders. This transformation, particularly with the emphasis on alternative social penalties, represents a significant development in Iran's criminal justice system.

While judicial practice in the early years post-Revolution aligned with legislative policies, enforcing harsh and retributive measures against sexual offenders, recent years have seen a gradual departure from this alignment due to sociopolitical considerations. Although strict punitive measures remain dominant in Iran's criminal laws—especially for Hudud crimes—the judiciary has not consistently enforced this approach in all cases.

By leveraging available legal capacities, judicial authorities have sought to avoid establishing sexual offenses, particularly Hudud crimes, wherever possible. Moreover, when a conviction is unavoidable, efforts have been made to balance crime and punishment, considering victim rights and harm restitution while individualizing sentences. This approach attempts to create a logical balance between punitive and rehabilitative measures (Yazdani & Zahedian, 2017, pp. 2–3).

As a result, rehabilitative strategies have gained prominence in reintegration efforts, emphasizing offenders' return to family and society. This perspective promotes alternative social sanctions, sentence reductions, semi-freedom mechanisms, and even concealment of offenses as part of broader rehabilitation efforts.

The following sections examine various rehabilitation methods for sexual offenders and strategies aimed at building a Good Lives Model for them.

4.3. *Protective and Corrective Measures for the Rehabilitation of Sexual Offenders*

Protective and corrective measures serve as a key legal tool within the criminal justice system. While they possess judicial attributes, they are also employed as crime prevention strategies (Ghasemi, 1995, p. 41).

The primary goal of these measures is rehabilitation, improvement, treatment, crime prevention, and offender correction. Initially designed to prevent recidivism, these legal provisions function as preemptive interventions before a crime occurs (Rohami, 2001, p. 35).

However, these measures are sometimes applied administratively, at times functioning as principal or supplementary punishments, and in certain cases, as alternatives to punitive sanctions. The degree of an offender's dangerousness determines the use of protective and corrective strategies.

- Differences Between Protective Measures and Punishment

The key distinction between protective measures and punishment lies in their objectives:

- Protective measures focus on crime prevention, rehabilitation, and correction, rather than retribution or deterrence.

- Punishment, under retributive justice, is determined by the severity of the crime and is directly applied to the offender.
- Protective measures, however, do not depend on crime severity but rather on the offender's character and risk level.

Given that determining a fixed duration for rehabilitation is challenging, punishment must legally have a definite duration.

- Characteristics of Protective and Corrective Measures

The most notable features of protective and corrective measures include:

- Preventing recidivism
- Encouraging offenders to adopt a conventional social life
- Fostering positive social interactions (Rohami, 2001, p. 59)

Achieving these goals without the offender's willingness for moral and psychological reformation is difficult. Nevertheless, implementing corrective and rehabilitative measures either before or alongside punishment remains both necessary and essential.

Disappointing results from evaluations of purely punitive approaches in controlling the rising trend of sexual offending—where many offenders reoffended after serving their sentences—have prompted criminologists and policymakers to explore effective therapeutic and corrective measures aimed at psychological and physical rehabilitation.

Although the Islamic Penal Code (2013) abrogated the Law on Protective and Corrective Measures (1959), the legislature has not abandoned these interventions. Recognizing their importance in offender rehabilitation, protective and corrective measures remain an integral component of modern criminal justice policy.

- Future Legal Approaches

Iran's criminal justice policy seeks to integrate rehabilitative mechanisms into multiple legal frameworks, including:

- Protective and Corrective Measures Law
- Islamic Penal Code
- Criminal Procedure Code

Given the unique nature of sexual offenses, rehabilitation efforts are particularly emphasized in cases involving sex offenders.

4.4. *The Use of Repentance as a Restorative Method*

The risk assessment and management approach, a modern concept in penology, acknowledges different categories of sexual offenders and determines their risk levels using assessment tools, predicting varied responses for controlling and treating them (Abedi Nejad Mehrabadi, 2005, p. 285).

One such method, deeply rooted in Islamic jurisprudence and legal traditions, is repentance (Tawba). Chapter 11, Section 5 of the Islamic Penal Code (IPC) addresses the causes of sentence annulment, recognizing repentance as a valid ground for exempting offenders from punishment. This legal approach reflects the offender's willingness to abandon past wrongful actions (Akbari et al., 2021, p. 3). Repentance applies to individuals who regret their actions and seek ways to compensate for the harm caused and eliminate their offense (Sadeghi, 2013, p. 155).

By drawing on Islamic jurisprudential sources, the legislator offers repentance as a religious and legal avenue for offenders to reintegrate into normal life. In sexual offenses subject to Hudud and discretionary (Ta'zir) non-Shari'a-based sexual offenses, repentance is an accepted mechanism.

According to Article 114, IPC, if the accused repents before the crime is proven and the judge is convinced of their remorse and reform, the Hudud punishment is annulled. Article 115 allows the annulment of sentences for discretionary offenses (Ta'zir) graded 6 to 8, provided that repentance and reform are established. Additionally, for other discretionary offenses (grades 1 to 6), repentance serves as a mitigating factor.

However, in cases of adultery (Zina), forced sodomy (Liwat) with coercion or deception, repentance does not annul the Hudud punishment but converts it into discretionary punishments such as imprisonment or flogging (grade 6) or both. These provisions indicate that while Hudud punishments are fixed, the law provides avenues for rehabilitation and correction in sexual offenses (Davariar, 2005, p. 123).

Similarly, pardon (Afw) is a related mechanism aimed at offender correction and reintegration into society. However, in sexual offenses, a prerequisite for pardon is the offender's genuine repentance for their past actions. From a victim-centered and restorative justice perspective, Iranian criminal law has not overlooked the

importance of victim satisfaction and harm compensation. Unlike many other crimes where financial damage is the primary harm, in sexual offenses, the main harm is non-material (moral and psychological), often making restorative measures more complex. This harm is particularly severe in cases of forced adultery (Zina) and sodomy (Liwat) with coercion or deception.

With the enactment of the Criminal Procedure Code (2013), Article 14, the legislature recognized moral damages as compensable. The law defines moral damage as harm to personal, familial, or social dignity and reputation. Judicial remedies such as requiring the offender to issue a formal apology, publishing the court ruling in the media, or other similar measures, in addition to monetary compensation, serve as mechanisms for victim relief and harm restoration. These approaches demonstrate restorative justice principles within Iran's criminal policy.

Some sexual offenses not only violate Shari'a and legal provisions but also infringe on personal rights. In such cases, where the offense causes harm to a third party, the concept of "Haq al-Nas" (individual rights) is implicated, making prosecution, trial, and punishment mandatory.

Under Article 241, IPC, crimes involving forced or coerced sexual acts are exceptions to the general prohibition on investigating or interrogating individuals in sexual offenses. According to Article 114, Note 2, IPC, in cases of forced adultery (Zina) or sodomy (Liwat) with coercion or deception, if the offender repents, the Hudud punishment is annulled, but they must serve a prison sentence or be flogged (grade 6) or both.

For repentance to be legally recognized, in addition to the offender's claim, the judge must be convinced of their remorse and reform. Actions such as seeking victim forgiveness and providing restitution serve as key indicators of genuine repentance, influencing the court's decision to accept the repentance claim.

4.5. *Concealment of Offenses and Summary Proceedings*

Due to the sensitive nature of sexual offenses, which directly impact individual dignity and reputation, they cannot be treated as public offenses.

According to Article 306, Criminal Procedure Code (2013), in cases of adultery (Zina), sodomy (Liwat), and other offenses violating public morality, the competent court has direct jurisdiction, meaning that the prosecutor's office is not authorized to conduct

preliminary investigations. Instead, the initial inquiries are handled by the trial court itself, as per Article 340 of the same code (Khaleghi, 2014, p. 272).

Thus, concealment and non-public prosecution of sexual offenses are integral aspects of Iran's criminal policy toward sexual crimes. This policy aligns with Islamic teachings emphasizing the protection of individual dignity and reputation. Additionally, non-disclosure of sexual offenses prevents their normalization in society and curtails moral corruption.

To implement offense concealment effectively and facilitate the risk-based rehabilitation model (Good Lives Model) for sexual offenders, the summary trial procedure is employed. Under this approach, the prosecutor's office does not intervene in investigations, and the competent court directly handles the trial process.

4.6. *Legal Provisions on Concealment of Sexual Offenses*

Articles 102 and 104, Criminal Procedure Code (2013) establish the principle of "prohibition of investigation and prosecution" in public morality-related offenses, reinforcing the policy of offense concealment in sexual crimes (Mirkhalili, 2015, p. 330).

However, concealment of sexual offenses is only feasible in the absence of a private complainant (victim). Islamic law also endorses this approach (Rostami & Ghorbanpour, 2020, p. 140).

When a private complainant (victim) is involved, offense concealment becomes legally and practically challenging. Given the potential involvement of multiple individuals and families, preventing public exposure becomes nearly impossible.

From this perspective, preventing sexual offenders from engaging in more dangerous activities and guiding them toward rehabilitation form a key component of Iran's criminal justice policy.

The summary trial procedure aligns with offense concealment by integrating Islamic legal considerations to mitigate the negative consequences of criminal prosecution (Rostami, 2018, p. 167).

If the criminal justice system consistently applies this approach, it will significantly contribute to preserving individual dignity and reputation. Consequently, this will facilitate offender rehabilitation and reintegration.

Public exposure of sexual offenders often leads to social ostracization, making rehabilitation far more difficult.

The public identification of offenders not only normalizes deviant behaviors but also creates barriers to their correction and reintegration, including family and community rejection.

From both Islamic law and the perspectives of the Islamic Penal Code and the Criminal Procedure Code, offense concealment and summary proceedings play a crucial role in supporting risk-based rehabilitation and the Good Lives Model for sexual offenders.

Thus, the concealment of Hudud sexual offenses reflects the legislature's intent to prioritize offense concealment for Hudud-based sexual crimes (Yazdani & Zahedian, 2017, p. 6).

This criminal justice approach plays a critical role in handling sexual offenses, preventing their normalization in society, and ensuring they do not become publicly widespread. Moreover, during judicial proceedings, only the competent court conducts the trial, with no preliminary investigation by the prosecutor's office.

5. Conclusion

Rehabilitation in the realm of sexual offenses within Iran's criminal justice system follows a dual approach: on one hand, it focuses on educating and disciplining sexual offenders to prevent recidivism, and on the other, it maintains judicial mechanisms for their punishment. Some policies, such as protective and corrective measures, restricting crime disclosure, and handling cases through summary proceedings, serve as concealment strategies (Bazhpoochi). However, other mechanisms, such as semi-freedom and requiring offenders to acknowledge their crimes, while simultaneously instilling fear of harsher punishments for repeat offenses, function as judicial strategies for managing sexual offenders.

Despite these initiatives, the ultimate goal remains establishing a Good Lives Model and creating favorable conditions for offender rehabilitation. However, achieving this ideal state faces numerous challenges.

One significant approach is repentance (Tawba), which, depending on the type and severity of sexual offenses, plays a key role in reforming offenders if it successfully leads to behavioral change. The semi-freedom system, which aligns with offense concealment principles, allows sexual offenders to work toward reintegration while remaining under legal supervision. This awareness-based and punitive strategy plays a crucial role in

improving the status of sexual offenders and their rehabilitation.

Another noteworthy perspective is reframing sexual offenders as sexually deviant individuals in social discourse. Using this terminology facilitates offender and family acceptance of rehabilitative and corrective programs in institutions such as the Welfare Organization, which provides therapeutic and corrective services.

The findings of this study further highlight that summary proceedings play a crucial role in concealment-based criminal policy, enabling judicial authorities to handle sexual offenses more effectively. This process ensures offenders accept their punishment while also increasing their motivation for reform and crime desistance.

6. Recommendations for the Rehabilitation and Reintegration of Sexual Offenders

- Aligning the Islamic Penal Code and the Criminal Procedure Code by establishing a specialized criminal institution for handling protective and corrective measures related to sexual offenses.
- Providing financial and counseling support to institutions such as the Welfare Organization and other social assistance bodies, ensuring effective therapeutic interventions for sexually deviant individuals.
- Developing educational and cultural programs within national media, universities, schools, and other academic and media institutions to prevent sexual deviance and promote public awareness.
- Enhancing judicial awareness by educating individuals on the criminal consequences of engaging in sexual offenses and illicit conduct.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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