

Criminological Examination of Juvenile Presence in Criminal Proceedings (With a Perspective on the 2014 Afghanistan Offenses Adjudication Law)

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Abstract: Psychological trauma, violence, aggression, and crime can be the outcomes of juvenile involvement in criminal proceedings. Therefore, adopting measures such as the specialization of criminal justice actors, establishing social centers for temporary custody, creating independent social centers, and developing educational and rehabilitative (corrective-therapeutic) programs can mitigate adverse effects on their future lives. The differential approach to juvenile offenses has been one of the major achievements of criminological activities in criminal proceedings over the past two centuries. Additionally, the existence of various international documents such as the “Convention on the Rights of the Child” and the “United Nations Standard Minimum Rules for the Administration of Juvenile Justice” (Beijing Rules) regarding the treatment of delinquent children and the efforts to encourage juveniles to reintegrate into society, along with state commitments in this regard, are also results of criminological and human rights endeavors. The consequences of juvenile involvement in criminal proceedings can be studied from the perspective of two branches of criminology (clinical and interactionist), both products of social reaction criminology, the consequences of juveniles’ involvement in criminal proceedings can be studied.

Keywords: juveniles, criminal proceedings, social reaction criminology, clinical criminology

Introduction

Given the current conditions and circumstances in various societies, the rising trend of juvenile delinquency is one of the main concerns in many countries. Moreover, considering the age and psychological status of children, it is inappropriate to adopt an approach to criminal proceedings and punishment similar to that applied to adults. Doing so could lead to a highly uncertain and undesirable future for this group, given their greater potential for reform than adults.

Therefore, understanding the elements related to the transition from childhood to adolescence and youth, as well as a correct understanding of juvenile delinquency and

offenses on one hand, and a reasonable and sensitive comprehension of the temporal and spatial contexts in which children and adolescents grow up on the other hand, is essential. This necessitates the attention of criminal policymakers, and the criminal justice system must adopt a distinct and soft approach towards this category of offenders. This issue has become an undeniable mandate in all legal systems today, with almost all countries distinguishing between the status of children and adults in their laws. The rationale for this acceptance undoubtedly lies in avoiding harm, which includes psychological, emotional, and legal aspects.

The continuous presence of juveniles in criminal proceedings related to their offenses and crimes not only prolongs the adjudication process but also increases the likelihood of the aforementioned harms.

Such concerns have led to transformations in the social reactions to juvenile offenses. The adoption of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 2004) regarding the decriminalization of juveniles reinforces the notion that criminal justice institutions, provided they have an adequate and reasonable understanding of juvenile offenses, can appropriately respond to children's infractions and prevent negative outcomes, such as stigmatization. Hence, strategies such as decriminalization, de-penalization, the use of social punishment, and crime prevention can significantly lead to favorable outcomes.

It is evident that the criminal process involves "a decision-making process that includes initial investigations into the committed offense or the detention of the offender by the police, leading to conviction and subsequent release of the offender, and their reintegration into society; the stages of transitioning through the components of the criminal justice system by the offender following the commission of the crime" (Gholami, 2008:302). This process, originating from police actions and the arrest of the offender by a representative of the criminal justice system, can continue through prosecution, investigation, trial, and punishment, causing the individual to spend time in a criminal environment. In fact, the criminal environment refers to an individual's transition through various institutions of criminal procedures (Meysam Khalili Omran, 2013:78).

In such a situation, if criminal officials do not prioritize dignified behavior towards suspects, defendants, and convicts, it will result in severe psychological and social consequences. These consequences might manifest as widespread violence, aggression, crime, and even a sense of vengeance within society (Najafi Abrand Abadi, 2007: 56). Among these, children undoubtedly require more serious and extensive support due to their special circumstances. The logical and positive attention of criminal policymakers can provide a more favorable supportive effect for children.

This paper aims to examine the effects and consequences of juvenile presence in the criminal process from a criminological perspective, a subject that appears to have received little attention from legal scholars.

Discussion One: From the Perspective of Social Reaction Criminology

The criminal justice process and its affiliated institutions, which operate within the framework of criminal procedural law, can also be examined from a criminological perspective. In this context, the most prominent criminological approach is known as "social reaction criminology."

From the viewpoint of social reaction criminology and its theorists, actors within the criminal justice system play a significant role in the occurrence or non-occurrence of crimes. A crime can be a product of certain legislative, police, and judicial actions. In clear terms, the occurrence and recurrence of crime are outcomes of how an individual is introduced into the cycle of criminal justice institutions, which include the legislature, police, prosecution, and courts. Based on this premise, the approaches of clinical criminology and interactionist criminology should be studied.

Section One: Clinical Criminology (Rehabilitation and Treatment)

Following the emergence of the Positivist School, the notion of free will in committing crimes and the absolute responsibility of the offender, as proposed by the Classical School, were severely questioned. The new perspective shifted attention from crime to offenders, considering crime not as a legal act but as a human and social reality. This perspective posits that the response to a crime lies in biological, psychological, and social characteristics. As Mr. Gesen, quoting Marc Ancel, states: "One should not view the criminal act as merely a legal act but as a human and social phenomenon. It should be related not only to the individual but also to the surrounding environment and in interaction with it. This necessitates a new understanding of the role of the judge and criminal procedure" (Gesen, 2006:339). This offender-centered approach also influenced procedural criminal law, imposing an additional duty on criminal procedure beyond organizing substantive criminal law, which is that "the institutions of criminal justice, including the police, prosecution, courts, and prisons, all serve the human-social rehabilitation of the offender and rescue him from further descent into the world of crime" (Najafi Abrand Abadi, 2009:19).

Therefore, the type of interaction that criminal justice actors exhibit in their speech and behavior towards a person who interacts with them in the criminal environment for a period significantly influences the psychological, mental, and behavioral structures of the suspect, defendant, and offender in the future. Hence, given the aforementioned points, in the approach of clinical criminology, since the individual is placed in an environment different from their usual life, creating an environment that facilitates the re-socialization of the delinquent person with society is a serious obligation of the officials in the criminal justice institutions.

Section Two: Interactionist Criminology

According to interactionist criminologists, the way various institutions of criminal procedure react can "create" a person as a criminal or a repeat offender. The renowned American sociologist Edwin Lemert, in explaining the concepts of primary and secondary deviance (crime), posits that primary deviance refers to behaviors that disrupt public order and personal psychological balance in interpersonal and social relationships, which the legislator must criminalize. However, secondary deviance pertains to behaviors that have been discovered, reported, prosecuted, and tried by social control institutions (especially criminal procedure institutions), and the perpetrator(s) have been convicted and labeled as criminals (Najafi Abrand Abadi, 2009:23).

In the classifications provided by criminologists and sociologists regarding the environment, which include geographical and social environments, criminal justice institutions fall into the social environment category. This environment is further divided into public and personal environments (Danesh, 2009:50), with criminal justice institutions being part of the personal environment and considered compulsory or imposed. In this setting, criminal policymakers mandate certain individuals accused of violating norms as offenders or delinquents to spend a period.

In such a situation, the crucial factor that can either reintegrate the delinquent or criminal back into normativity and social acceptance, or conversely transform them into a deviant or antisocial personality, undoubtedly depends on the nature, structure, functioning, and methods employed by the representatives of criminal justice in this process.

The significance of this issue is also evident in important international documents, such as the International Covenant on Civil and Political Rights adopted in 1966. This covenant emphasizes the inherent dignity of the person,¹ the separation of defendants and convicts, appropriate behavior according to individuals' conditions,² the segregation of accused and convicted juveniles from adults,³ and the obligation of the prison system to implement structured programs aimed at social reintegration and re-socialization of offenders.⁴ These are among the measures proposed by reputable international organizations for legal systems.

Owing to their specific age-related conditions, children and adolescents are considered a highly significant segment of society. Addressing their delinquency requires special, distinct, and separate measures. Preventing inappropriate behavior by supervisory and police agencies and other institutions involved in criminal proceedings

¹ Article 10, Clause 1

² Article 10, Section 2, Subsection A

³ Article 10, Section 2, Subsection B

⁴ Article 10, Section 3

with children and adolescents in conflict with the law can be effective in averting serious future harm that undoubtedly impacts their lives.

Efforts to minimize the duration of children's involvement in criminal proceedings, including decriminalization, avoiding labeling, committing seriously to juvenile trials, engaging scientifically trained professionals, and maintaining higher standards of care compared with adults, can undoubtedly reduce the harm inflicted on children.

Therefore, given that the criminal process begins with the detection of the crime by the police and extends to the execution of the punishment and beyond, it is necessary to examine the various stages of this process in detail from a criminological perspective. In the second section, we attempt to address this issue through several discussions.

Discussion Two

Section One: The Crime Detection Stage (Police)

The police, as the first actors in the criminal justice process, play an undeniable role in dealing with children in conflict with law. This importance is highlighted by the fact that the performance of this criminal justice institution can facilitate the increased labeling of the child and severely disrupt its psychological and mental structure.

Therefore, the type of officers (police or special officers) and their professional training, and consequently their methods of action, along with the reactions of the suspect during "arrest and detention" and under surveillance, create a specific atmosphere at this stage of the criminal process. The method and location of arrest and detention, especially for first-time offenders, can be psychologically pivotal and, depending on the behavior at this stage, can shape a different image of the police or special officers, who are essentially the custodians of security and representatives of the government, in the mind of the individual. This behavior can awaken the individual to their committed act or, conversely, push them towards acquiring a criminal identity at the beginning of the criminal process. The "interrogation" stage is technical and thus requires interrogators to be familiar with legal, psychological, and criminological skills (Najafi Abrand Abadi, 2009:25).

Therefore, the necessary training of primary criminal justice actors in acquiring special professional skills in children is of great importance. Multiple training courses on scientific crime detection are required to be seriously considered to avoid labeling. When a person is described by others in a specific mold, they change their self-perception and behavior due to social pressure (Najafi Abrand Abadi, Hashem Beigi, 1998:204).

Unprofessional, non-technical, and non-scientific police interaction with a child can ignite thoughts in the child's mind that their personality is criminal. This understanding can lead children to prefer to join criminal groups in the future. Given

the importance of this issue, international documents, especially the “United Nations Standard Minimum Rules for the Administration of Juvenile Justice” (the Beijing Rules), in Rule 8 emphasize the protection of children’s privacy and recommend avoiding harm to adolescents due to public awareness of crime and the resulting stigma. The commentary on Rule 8 states that young people are particularly sensitive to being labeled criminals. Criminological research shows that identifying young people as “delinquents” or “criminals” has very negative effects (in various forms) on them.

Although the Afghan legislator seems to understand the importance of this issue and explicitly emphasizes the experience, expertise, and professionalism of interrogators in various sections of Article 9 of the Law on Juvenile Delinquency,¹ one of its weaknesses is that it does not mention a special juvenile police force or foresee such an institution in paragraph one of Article 9, which lists crime detection as one of the police’s responsibilities. Meanwhile, in some countries, such as Austria and Switzerland, special juvenile police officers, using informal attire, attempt to establish friendly relations with adolescents to provide necessary education and play a prominent role in crime prevention (Judicial Law Journal, 1999:114).

Section Two: The Preliminary Investigation Stage

Preliminary investigations are defined as “a series of actions and investigations carried out by judicial officers, either independently or upon the order and referral of judicial authorities; or by investigators, prosecutors, or assistant prosecutors, as well as other competent judicial authorities, to discover, verify, and prepare evidence, including evidence of the crime and evidence beneficial to the accused, considering the presumption of innocence. The primary purpose is to prepare the case file and facilitate and expedite the court proceedings” (Ashouri, 2005:13).

Undoubtedly, a priority in the criminal justice process should be serious observance of the principle of expeditious proceedings to prevent unnecessary delays or postponements. The importance of this principle is doubled for delinquent children, as immediate proceedings can prevent the negative consequences of labeling and psychological pressure.

Preliminary investigations, owing to the initial decisions made at this stage, significantly impact the fate of the accused. The actors of the criminal justice institution at this stage, when dealing with children and adolescents, must possess special expertise and be able to determine the best interests of the child or adolescent due to

¹ Article 9 of the Law on Juvenile Delinquency:

(1) The detection of juvenile crimes by the police and their investigation, research, and prosecution are carried out by the Special Juvenile Prosecutor's Office. For this purpose, the Special Juvenile Prosecutor's Office is established in the center and provinces.

(2) The Special Juvenile Prosecutor's Office consists of a head and professional and administrative members who handle juvenile-related crimes in accordance with the provisions of this law.

(3) The professional members of the Special Juvenile Prosecutor's Office, in addition to meeting the conditions stipulated in the relevant law, must have aptitude, professional training, and special experience in juvenile matters.

the nature of the measures for this group and the necessity of correctly assessing the character of the child or adolescent in conflict with the law. Therefore, today, the necessity of specialized juvenile judges is emphasized in most criminal justice systems (Hojjati, 2001:24).

One clear consequence of this stage is the imposition of restrictions on individuals who have not yet received a final conviction, including temporary or pre-trial detention. Given that temporary detention removes an individual from their normal life and activities, the psychological atmosphere of the detention center, shaped by interactions among detainees and with officers and prisoners, along with the quality of the physical environment, affects the quality of investigations. The deprivation of liberty, along with the psychological and material conditions in the detention center, influences the psychology of the detainees (Najafi Abrand Abadi, 2009: 26-27).

The special condition of children makes this issue even more critical. In the investigation and prosecution of juvenile delinquency, pre-trial detention is more sensitive and delicate than it is for adult offenders, and this has been addressed in international documents concerning children's rights (Zadegan, 2004:151).

It must be emphasized that pre-trial detention is seriously questioned by human rights advocates and proponents of the social defence school, who repeatedly recommend resorting to alternative measures to imprisonment due to the adverse conditions of prisons and their criminogenic effects. Fear of detention among many individuals can prevent "recidivism" and "secondary deviation." However, this fear diminishes during temporary detention, and can sometimes be prolonged. Detainees in detention centers (which, unfortunately, in many countries, do not differ significantly from prisons) lose their positive characteristics and the potential for rehabilitation due to association with other prisoners (Khalili Omran, 2013:90).

Based on this, the danger of "criminal contamination" of juveniles during pre-trial detention should not be underestimated. This issue is emphasized in various international documents, particularly Clause B of Article 37 of the Convention on the Rights of the Child and Article 13 of the Beijing Rules, which stress pre-trial detention as a last resort and for the shortest possible time.

The Afghan legislator, inspired by such a perspective in the Law on Juvenile Delinquency, not only emphasizes the separation of children from adults in temporary detention¹ but also grants the Special Juvenile Court judge the authority to seek alternative solutions instead of detention when issuing pre-trial detention orders.² In addition, if a suspected child is arrested, the detaining authority is obliged to temporarily hold the child in a special facility and provide access to social, educational,

¹ Article 10, Clause 4

² Article 10, Clause 3 states: "The Special Juvenile Court is authorized, during the issuance of a pre-trial detention order, to consider alternative solutions instead of detaining the child."

professional, psychological, and health services, considering the child's age and gender.¹

Section Three: The Court Stage and the Necessity of a "Character File"

A child who has been involved in the criminal justice process for some time naturally undergoes change. This presence in such an environment leads to a transformation in the child's interactions with judicial actors and their surroundings and their experiences within the criminal justice system (Najafi Abrand Abadi, 2009:27).

According to some scholars, the personality of an offender is always a factor in criminology when discussing criminal actions. Even if it cannot be said that all fundamental criminological work is summarized in this subject, it can be stated that traditional criminological activities are at least focused on examining personality (Gessen, 1995:155).

Therefore, the necessity of a "Character File" becomes clear for judges to ensure precision, attention to details, and technical judicial points. This file, which contains a collection of information about the person's past and conditions at the time of the crime, serves as a guide for determining the criminal fate, much like a medical examination sheet in the judicial process (Najafi Tavana, 2008). Moreover, judges can use the Character File to tailor punishments to an individual's disposition, ethics, and personality, thus adhering to the fundamental principle of the criminal law of personalizing punishments.

Although creating a Character File involves certain costs, its benefits are substantial enough to free criminal policymakers from confusion and uncertainty (Tavana 2008).

It is important to note that when discussing a Character File, it differs from a criminal record file. The Character File contained educational, medical, psychiatric, familial, age-related, and social status histories of the accused, whereas the criminal record file included criminal history, elements of the crime, frequency of offenses, and legal evidence of guilt. The main goal of the Character File is to individualize the court's decision and align it with the offender's personality to issue a verdict and select an appropriate punishment (Najafi Abrand Abadi, 2008:1422).

Thus, making a rational and correct decision requires more than just a criminal record or quickly gathered information on the accused's moral condition. A scientific examination of personality, which includes medical, psychiatric, and social assessments, is necessary to understand the biological, psychological, and social characteristics of individuals who have conflicts with the law. This is referred to as the "Character File" (Ashouri, 2005: 150-151).

¹ Article 12 of the Law on Juvenile Delinquency

Children, who are considered a vulnerable and needy group, require more attention and higher priority than adults. Given their special circumstances, if they deviate from societal norms and enter the criminal justice system, there is a greater need to create a Character File for them to make informed decisions about their futures.

Consequently, the Law on Juvenile Offenses in Afghanistan mandates that prosecutors pay serious attention to important aspects of the child's personal life when gathering evidence.¹

In any case, using a Character File to issue a rational judgment for juveniles is considered an undeniable necessity. The best and most effective judgments for addressing their offenses should strive to maximize the use of alternative non-custodial punishments instead of custodial sentences. Nevertheless, when applying any of these punishments, criminal justice institution officials must consider certain points, which are briefly discussed in two sections.

1 - Utilizing Alternative Punishments to Incarceration

Studies have indicated that imprisonment is neither beneficial nor rehabilitative. In many cases, the criminogenic effects become particularly evident. Individuals who enter prison for the first time can emerge as more dangerous and reenter the criminal justice system. One of the most prominent criticisms of the formal imprisonment system is the congregation of a large number of criminals, severance of ties with the outside world, and emergence of psychological disorders.

According to the social learning theory, criminal values and methods are transferred through the interaction of criminals. Criminal behavior is learned along with the tools and techniques of crime, such as the methods of committing crimes, the specific language of the environment, the unique clothing of criminals, their lifestyles, motivations, reasoning, and justifications for criminal behavior. Thus, criminal behavior has been comprehensively learned (Najafi Abrand Abadi, 2012, 55). In this context, what should be done when dealing with juvenile offenses? Which of the proposed models is most effective? Can the retributive perspective, which emphasizes punishment and is based on a retrospective view, be a solution to ensure the future of children? Or, is it better to focus on deterrence, incapacitation, and rehabilitation, which consider the individual's circumstances and environment?

¹ Article 17: (1) The Special Juvenile Prosecutor is obliged to consider the following points in order to gather evidence of guilt during the investigation of juvenile crimes:

1. The exact day, month, and year of birth. 2. The level of mental development. 3. Personality and capability. 4. The causes and motives of the crime. 5. Educational level at the time of the crime. 6. Living conditions at the time of the crime. 7. The severity and nature of the crime. 8. Criminal record. 9. Behavior during and after the crime. 10. The type, evidence, means, intention, time, and place of the crime. 11. The extent of harm caused to the victim. 12. The presence of accomplices, perpetrators, and instigators of the crime. 13. Other factors that might affect the determination of the punishment.

(2) The prosecutor is obliged to obtain information from the police, parents, guardians, teachers, experts, and other knowledgeable individuals during the investigation of juvenile crimes and the establishment of their cases.

(3) The prosecutor is obliged to keep the records and details of the investigation confidential. Only the relevant courts and the juvenile's defense attorney may access the criminal records.

Undoubtedly, when prioritizing one of these approaches, a forward-looking perspective seems more logical for juveniles. However, among the models presented by this approach, both deterrence and incapacitation are punishment-oriented, emphasizing punitive measures. In the deterrence model, the goal is intimidation resulting from punishment, aiming to dissuade potential and actual offenders from committing crimes (Niazpour, 2010:56). In incapacitation theory, the criminal justice system's goal is to remove the offender's ability to commit further crimes. Through exclusionary methods and sometimes eliminative measures, the system seeks to limit offenders' freedom, preventing them from committing repeat offenses and serving as a social defense strategy (Niazpour, 2010:57, quoting Hossein Gholami, *Recidivism*, 2008). Thus, under this theory, the beneficial function of punishment is achieved through the exclusion and removal of offenders (Bolak, 2006:34).

Given these points, the third forward-looking approach, relying on a system of reform and treatment, and ultimately preventing recidivism, is the most appropriate response to juvenile offenses. This approach emphasizes that reformatory and therapeutic programs should first focus on modifiable and addressable criminogenic factors, be implemented by trained and specialized personnel, and target offenders at risk of recidivism (Gholami, 2008:54).

Children and adolescents deserve more attention and priority than any other group in society. Hence, juvenile justice was among the first areas that adopted a reformatory and therapeutic approach, leading to a rehabilitative response system for juvenile offenders.

The Sixth International Congress on Criminal Anthropology in 1906 took the first step toward a reformatory and therapeutic juvenile justice system, deciding that judges should use diverse measures and actions based on each child's individual and social conditions. Any reformatory action concerning children should consider medical, psychological, and familial background assessments (Najafi Abrand Abadi, 2009: 10). This global approach has led many legal and criminal justice systems to take serious steps toward the rehabilitation of juvenile offenders and facilitating their healthy reintegration into society.

In deciding how to respond to juvenile offenses, scholars have seriously questioned such punishments because of the negative consequences of custodial sentences. In other words, today, criminal policy regarding juvenile offenders prefers non-custodial responses to custodial ones, as custodial responses face significant challenges, especially from criminological and human rights perspectives (Ashouri, 2003:18).

From a criminological viewpoint, the most critical concern in labeling juveniles as criminals is the significant stigma attached. This concern is why various international instruments regarding children show little interest in such punishments,

and emphasize non-custodial penalties whenever possible. If accepted, these punishments are proposed as a last resort ("ultima ratio").¹

Therefore, serious efforts should be made to avoid custodial punishment for juvenile offenses, whenever possible. International instruments, with a negative view of punitive responses to juvenile offenders, consistently guide states through binding and advisory documents to abandon such responses (Niazpour 2010:72).

However, in Afghanistan's criminal policy landscape, both custodial and non-custodial responses were observed.²

Nevertheless, using alternatives to incarceration for juveniles is the best possible method for rehabilitation and reintegration into society. Among these alternatives, performing community services or public works can instill a better self-image in juveniles, empowering them to repay their debt to society and compensate for the harm caused by their crimes (Coputo, 1998:8). If this effort is pursued seriously, it will undoubtedly prevent many children from facing the potential harm associated with custodial punishment.

2 - Acceptance of Rights-Depriving Punishments

With the emergence of the positivist school and the shift in focus from crime to crime, eventually leading to the birth of criminology, rehabilitation, reform, and social reintegration have become prominent goals of modern criminal law. These concepts have gradually found their place in the discussions of criminal law scholars and policymakers.

As previously mentioned, today, the overwhelming majority of criminal scholars question the use of custodial punishments, especially for children, because of their harmful consequences. However, sometimes, the severity and seriousness of certain types of delinquency and the criminal capacity of some juvenile offenders justify the use of such responses (Abaachi, 2009:147).

¹ The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 1985: Article 19. Convention on the Rights of the Child, 1989: Article 37. United Nations Standard Minimum Rules for Non-Custodial Measures 1990: Article 2.

² Article 35 of the Law on Juvenile Delinquency: "The court has the authority to take one of the following decisions regarding the accused child, considering the circumstances: 1. Obliging to perform community services. 2. Sending to specialized social service institutions. 3. Issuing a warning. 4. Delaying the trial. 5. Conditional suspension of punishment. 6. House arrest. 7. Handing over to one of the parents or the person who has custody rights. 8. Sending to juvenile correctional and rehabilitation centers for detention."

Article 39: "(1) When determining the punishment of the accused child, the following points are taken into consideration: The punishment of a child who has completed twelve years but has not completed sixteen years cannot exceed one-third (1/3) of the maximum punishment prescribed in the Penal Code for the same crime committed by persons over eighteen years of age.

The punishment of a child who has completed sixteen years but has not completed eighteen years cannot exceed half (1/2) of the maximum punishment prescribed in the Penal Code for the same crime committed by persons over eighteen years of age.

A child cannot be sentenced to life imprisonment or death.

(2) The time the child spends in detention is deducted from the duration of the imposed detention."

Emphasis on humane treatment, preservation of human dignity, and efforts to rehabilitate offenders are enshrined in the International Charter of Human Rights. The International Covenant on Civil and Political Rights (1966) explicitly states that the treatment of prisoners by criminal justice actors should primarily aim for their rehabilitation, reintegration, and social acceptance. This indicates that, in any case, custodial punishments must have rehabilitative and therapeutic effects to facilitate the offender's reintegration into society.

Therefore, it is important that the offender's rehabilitation through the determination and application of punishment requires competent authority to consider the offender's background, social characteristics, circumstances of the crime, the relationship between the offender and the victim, behavioral changes, and personality development during the execution phase of the criminal sentence. It is evident that accomplishing this requires the creation or at least the consideration of an "offender personality file" (Khalili Omran, 2013:101).

In this regard, both national and international criminal policymakers have recognized numerous standards to implement these responses accurately and correctly and mitigate their harmful effects. The 1989 Convention on the Rights of the Child and the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty are notable examples of these international standards (Niazpour, 2010:68).

Therefore, as it has rightly been stated for middle-aged and adult convicts: "The perspective and behavior of the punishment enforcement judge, the type of atmosphere in prisons, and the material facilities provided by the prison organization can shape the future behavior and fate of prisoners in society" (Najafi Abrand Abadi, 2009:28). This perspective and behavior are particularly significant for children, as their potential for rehabilitation and therapy is considerably higher than that of adults. Therefore, the way criminal justice actors, including heads of correctional and rehabilitation centers, guards, and social workers, interact with delinquent children during the execution of the sentence must be of paramount importance to criminal policymakers. This focus is central to the attention of criminologists concerned with social reactions.

Section Four: Post-Criminal Justice Measures

Undoubtedly, children who undergo the criminal justice process for a period of time and are somehow condemned to live outside the conventional realms of life, despite benefiting from facilities such as cultural, educational, developmental, and sports programs, unfortunately often re-enter the cycle of criminal justice and are sent back to correctional and rehabilitation centers or prisons.

One of the weaknesses is the lack of care, such as educational counseling and attention to strengthening family foundations, which should be in place after children leave correctional and rehabilitation centers. The absence of such care or negligence in

this regard will lead children back to offending situations, and they may re-enter correctional facilities after committing another crime.

This responsibility is immensely significant for those responsible for child rearing in correctional and rehabilitation centers. If such care is meticulously implemented after children exit the criminal justice process, the results will prevent repeated offenses among children and ultimately reform their behavior.

It is often said that today, the duty of criminal justice does not end with the execution of punishment, but also requires appropriate post-sentence measures (post-criminal stage) to ensure the judicial system's care, supervision, and community participation in reducing the social impacts of criminal conviction, especially imprisonment demands. In fact, the post-criminal stage is also intended to mitigate the stigmatic effects of punishment in society and in the offender's personal environments (Najafi Abrand Abadi, 2009: 28-29).

Therefore, in such a situation where children have a much greater capacity for change and development than adults, and with appropriate actions, juvenile delinquency can be neutralized, and more serious preparations are needed to prevent stigmatization, enhance rehabilitative services, avoid environmental criminogenic consequences, empower social welfare centers, hold family meetings, strengthen supportive approaches, specialization, and more. These should be at the forefront of criminal policymakers' agenda. Policymakers will succeed only when civil society institutions play a prominent role alongside the government.

Conclusion

In conclusion:

1. Since 1980, the rehabilitative approach to dealing with children involved in criminal proceedings has undergone significant international transformation, marked by the establishment of several compelling and guiding international documents supporting children's rights within the United Nations framework. This evolution is the result of criminological efforts, particularly in the field of "social response."

2. Criminological principles for handling criminal cases at various stages of criminal trials, especially those concerning juvenile offenses, provide strategies that national and international criminal policymakers can adopt. By adhering to these principles, we can reintegrate a generation that, due to various reasons conflicting with the law and violating norms, has found itself marginalized once again and returned to society.

3. From a criminological perspective, it is crucial that institutions involved in criminal justice, especially actors dealing with children as their audiences, are recognized as significant factors in analyzing and dissecting the commission of crimes.

4. If, during the crime detection phase primarily handled by the police, two critical factors-scientific crime detection and effective use of technical and scientific

techniques-are absent; if, during the preliminary investigation phase, emphasis is placed on issuing temporary detention orders instead of various types of suspensions, with insufficient attention to improving the detention conditions of suspects; if, during the trial phase, the "personal profile" is marginalized and does not play a role in final court decisions; if, throughout, there is not a broader perspective in using alternative non-custodial sentences and if concerns regarding appropriate educational and rehabilitative programs for reintegration are neglected in custodial sentences; and finally, if post-criminal justice care is overlooked, then all these factors will not only fail to reduce problems but will witness an increasing trend in crime rates committed by children.

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