

The challenges of restorative justice and executive strategies in Iran,s penal system abstract

Los desafíos de la justicia restaurativa y las estrategias ejecutivas en el sistema penal de Irán

Los desafios da justiça restauração e las estrategias ejecutivas en el sistema penal de Irán

resumen

Recibido: 20 de abril de 2018. Aceptado: 10 de mayo de 2018

Written by:

Abbas Ghasemi⁵⁷

Mehdi Sheidaei⁵⁸

Seyed Mahmoud MirKhalili⁵⁹

Shahrdad Darabi⁶⁰

Abstract

The criticisms of the classical criminal justice system and the general perception of the inability of the system in the seventies and eighties led to a sudden increase in the rate of crime and the creation of new alternative ideas, in which a new approach was created. This new approach was called restorative justice. Restorative justice has a new approach to crime, punishment, victim, offender, and seeks to repair damaged relationships between victim, offender and society. In this approach, all parties involved in a criminal act come together to discuss the consequences of crime, and interact with each other to deal with the consequences of a crime. The implementation of restorative justice and its mechanisms will allow the offender to correct himself, such as the suspension and conditional release. In order to implement the rules of restorative justice in the society with the potential of the cultural capital, it is possible, with the trust of the victim, with the implementation of restorative rules in a long time to repair, compensate and correct the damage caused by the crime of the victim and the offender. In Iran, for the sake of Nile The aims of restorative justice are to support methods and institutions to repair damages to the victim.

But in this judicial system, the process of restorative justice has always faced challenges in practice. One of the most important challenges facing the implementation of restorative justice in Iran's legal system relates to judicial challenges.

Resumen

Las críticas al sistema clásico de justicia penal y la percepción general de la incapacidad del sistema en los años setenta y ochenta condujeron a un aumento repentino de la tasa de delincuencia y la creación de nuevas ideas alternativas, en las que se creó un nuevo enfoque. Este nuevo esquema se llamó justicia restaurativa. Dicha justicia se centra en el crimen, el castigo, víctima, delincuente, y busca reparar las relaciones afectadas entre la víctima, el delincuente y la sociedad. En este enfoque, todas las partes involucradas en un acto delictivo se reúnen para analizar las consecuencias delito e interactúan entre sí para enfrentar las consecuencias de un delito. La implementación de la justicia restaurativa y sus mecanismos permitirán al delincuente corregirse a sí mismo, como la suspensión y la liberación condicional. Para implementar las reglas de la justicia restaurativa en la sociedad con el potencial del capital cultural, es posible, con la confianza de la víctima, con la implementación de reglas reparadoras en un tiempo prolongado para reparar, compensar y corregir el daño causado por el crimen de la víctima y el delincuente. En Irán, los objetivos de la justicia restaurativa son apoyar métodos e instituciones para reparar los daños a la víctima. Pero en este sistema judicial, el proceso de justicia restaurativa siempre ha enfrentado desafíos en la práctica. Uno de los desafíos más importantes que enfrenta la implementación de la justicia restaurativa en el sistema legal de Irán

⁵⁷ Ph.D. student of Criminal Law and Criminology, Islamic Azad University of Qom ghasemi930293@gmail.com

Department of Law , Qom Branch, Islamic Azad University, Qom, Iran . Rahmati_ju@yahoo.com

⁵⁸ Faculty of law, Department of law, Farabi Campus, University of Tehran , Iran(Corresponding Author) m_sheidaei@ut.ac.ir

⁵⁹ Faculty Member of Tehran University (Campus Qom) mirkhalili@ut.ac.ir

⁶⁰ Member of the faculty of Islamic Azad University of Qom Shahrdad. darabi@yahoo.com

One of the most important challenges facing the implementation of restorative justice in Iran's legal system relates to judicial challenges. This has led to the failure to implement the ultimate goals of restorative justice, as well as the density of cases and cases in the judiciary.

This article examines some of the challenges of restorative justice, as well as providing judicial solutions to the implementation of restorative justice mechanisms in Iran's legal system. The method used in this essay is a descriptive and analytical study using the library's method of collecting information to examine the judicial challenges of restorative justice and its solutions in the Iranian judicial system.

Keywords: Recovery justice, judicial challenges, solutions, criminal justice.

se relaciona con los desafíos judiciales. Uno de los desafíos más importantes que enfrenta la implementación de la justicia restaurativa en el sistema legal de Irán se relaciona con los desafíos judiciales. Esto ha llevado a la falta de implementación de los objetivos finales de la justicia restaurativa, así como a la densidad de casos y casos en el poder judicial.

Este artículo examina algunos de los desafíos de la justicia restaurativa, así como también ofrece soluciones judiciales para la implementación de mecanismos de justicia restaurativa en el sistema legal de Irán. El método utilizado en este ensayo es un estudio descriptivo y analítico que utiliza el método de recopilación de información de la biblioteca para examinar los desafíos judiciales de la justicia restaurativa y sus soluciones en el sistema judicial iraní.

Palabras clave: justicia de recuperación, desafíos judiciales, soluciones, justicia penal

Resumo

A crítica do sistema de justiça criminal clássica e a percepção geral da incapacidade do sistema nos anos setenta e oitenta levou a um aumento repentino na taxa de criminalidade e a criação de novas idéias alternativas, em que uma nova abordagem foi criada. Essa nova abordagem foi chamada de justiça restaurativa. A justiça restaurativa tem uma nova abordagem para o crime, a punição, a vítima, o delincente e procura reparar as relações danificadas entre a vítima, o agressor e a sociedade. Nessa abordagem, todas as partes envolvidas em um ato criminal se reúnem para analisar as consequências, consequências e consequências do crime e interação entre si para enfrentar as consequências de um crime. A implementação da justiça restaurativa e seus mecanismos permitirão que o infrator se corrija, como suspensão e liberdade condicional. Para implementar as regras da justiça restaurativa na sociedade com o potencial de capital cultural, é possível, com a confiança da vítima, com a implementação de regras correctivas estendido para reparar, compensar e corrigir a tempo dano causado pelo crime da vítima e do agressor. No Irã, para o bem do Nilo Os objetivos da justiça restaurativa são apoiar métodos e instituições para reparar os danos à vítima.

Mas neste sistema judicial, o processo de justiça restaurativa sempre enfrentou desafios na prática. Um dos desafios mais importantes enfrentados pela implementação da justiça restaurativa no sistema jurídico do Irã está relacionado aos desafios judiciais. Um dos desafios mais importantes enfrentados pela implementação da justiça restaurativa no sistema jurídico do Irã está relacionado aos desafios judiciais. Isso levou à falta de implementação dos objetivos finais da justiça restaurativa, bem como à densidade de casos e casos no judiciário.

Este artigo examina alguns dos desafios da justiça restaurativa, bem como oferece soluções judiciais para a implementação de mecanismos de justiça restaurativa no sistema jurídico do Irã. O método utilizado neste estudo é um estudo descritivo e analítico, utilizando o método de coleta de informações da biblioteca para examinar os desafios legais de justiça e soluções de restauração no sistema judicial iraniano.

Palavras-chave: justiça de recuperação, desafios judiciais, soluções, justiça criminal.

Introduction

Some lawyers believe that since the center of the law and the criminal justice system have been transferred from the severity and severity of the criminal act to the personality and the perpetrators' motives. In this way, the criminal law has social, medical, and therapeutic aspects which has weakened the strength and deterrence of punishment. Thus, the principle of proportionality between crime and punishment has also been shaken up greatly and has led to a variety of criticisms of the classical criminal justice, which noticed the criminalization of the penal system after the Second World War. In this way, the idea of criminal justice, which was aimed at reforming the offender, was also criticized from this point of view according to which the criminal justice system is recruited for the purpose of reforming and treating the delinquent, but the victims and the local community who have suffered from the crime of committing a crime are forgotten. Thus, the advocates of restorative justice believe that the model of punishment of criminal justice in the fight against crime has failed, and a new model must be proposed to deal with the crime and prevent its occurrence in the future. They believed that the rising rates of imprisonment had the opposite effect. Increasing crime rates and repeating offenses have become a norm and not an exception. Also, most of those convicted will commit a crime again after being held in custody (Najafi Brand Abadi, 2004).

So, the beginning of the transition to restorative justice by Douglas J. Sylvester, in 2003, on pages 493 and 494, suggests that restorative justice dates back to the time when debates on the creation of a corrective system began on corruption rather than punishment. Therefore, it defines the historical range from 1972 to 1974, and is widely used by Canadian Albert Eglash in 1977. Also, lawyers such as Lewin and Haws, refer to Albert Eglash as a reporter for this term (Abbasi, 2003a; Abbasi, 2003b).

By expanding the concept of restorative justice, it can be called restorative justice as a process by which all parties that share a particular mass have come together to decide on the future consequences of crime and its future implications. The methods of restorative justice bring into action the peace of all those directly and indirectly involved in the disputes (Gholami, 2006).

Dr. Martin Wright describes the pioneers and critics of restorative healing as follows. That

restoration justice is a process that strikes a balance between the interests of the victim and society and the need for social victimization and tries to restore and improve the situation of the victim as much as possible. It also calls on all those who somehow have a criminal offense, such as the victim, the perpetrator and their relatives, and the representatives of the community and the criminal justice authorities, to actively and constructively participate in creating such a balance. So, restorative justice seeks to strike a balance between victim concerns and the local community. It also leads to the reconciliation of the offender and the community, and seeks to provide the victim's quarrel and to assess the extent of the damage sustained by him and enable all parties to participate in the process of prosecution to participate actively in this process (Wright et al. 2005).

In the penal system of Iran after the adoption of the new Islamic Penal Code, a new kind of cooperative criminal policy was opened in Iranian law and the legislators applied penalties for the first time in penal codes for different types of restorative and remedial methods, including deferral of sentences, imprisonment sentences, and semi-liberties in the Islamic Penal Code (Cheraghi Navid, 2016). The mechanism of restorative justice along with the criminal justice system by maintaining dependence as well as maintaining a degree of independence, as a complementary mechanism and in many cases, was created to cope with conflicts over criminal issues as an alternative to the formal criminal justice process. In the Iranian judicial system, measures were taken to prevent delinquent cases from appearing before the judiciary (Van ness, Daniell w, 1993). However, the restoration and implementation of restorative justice mechanisms has always faced challenges. One of the major challenges is the judicial challenge. In this paper, in addition to examining and expressing some of these challenges, it has also been presented with judicial solutions. Among them, one can point out the solutions taken in the justice center of Markazi province against the convicts. In recent years, the justice office of the Markazi province has been carrying out activities to restore justice, which, of course, has led to the implementation of restorative justice for prisoners. In general, it should be said that the efforts currently being made in these units to bring about the implementation of restorative justice, in addition to being consistent with the goals of restorative justice, reduces the burden

of litigation. Nevertheless, the existing system is far from complete implementation of restorative justice in order to achieve what is now in the world in the name of restorative justice. In this speech, we will discuss some of the obstacles and challenges facing the Iranian legal system in the area of restorative justice (Llewellyn, Jennefer J. & Hows, Robert, 1998).

The first issue: judicial challenges

First speech: serious neglect and special attention of judges in referring to restorative justice

One of the legal challenges facing Iran's legal system is the lack of serious attention and special attention given by judges to referring to restorative justice. Considering the mental background of individuals from restorative justice institutions such as the Dispute Resolution Council and the serious inattention of this institution to peace and reconciliation, long term and also qualified to handle criminal and civil litigation complaints, the resolution council has not yet found its rightful place in the minds of directors within the judicial system. They also consider it as essential and inevitable considering their diligence, and have no heartbeat. Therefore, the result of this controversy is the lack of referral of cases to the restorative justice institutions. On the other hand, pivotal emphasis rather than compromise on the level of policy and management in different affairs and sectors, including the preferences of employing human resources (preferably employing people with legal education, etc.) Also, the combination of the staffing of the branches, the pivotal statistics, rather than the correction of the circumstances (the speed of issuing votes and the closure of cases by issuing sentences is much more satisfactory than the cost of energy and a long time to reach agreement).

Second Speech: Prolongation of the process of restoring justice and its conflict with the Enlargement

One of the legal challenges facing Iran's legal system is the length of the process of restorative justice and its statistical considerations which has led refereeing judges little interest in referring cases to restorative justice agencies, because the case referring to the branches is considered as part of the statistics of that branch and given that the recovery process usually takes several

sessions and the parties are invited to mediation, so that by the end of the month, the statistics of the branches will be negated, and in the case of judges will be charged with senior executives, For this reason, judges prefer to continue criminal proceedings instead of referring to restorative justice institutions and arbitration. Therefore, the structure of restorative institutions and laws is such that it reduces the tendency of judges to refer to restorative justice.

Third speech: lack of encouragement of judges to enforce restorative justice

Another judicial challenge that exists in Iran's legal system is the lack of encouragement of judges to enforce restorative justice. There are no laws or judicial procedures to enforce justice for judges and judicial experts, as well as legal procedures for legal proceedings and the implementation of restorative justice, due to the lack of incentives, as well as the costs of executing executives, or if it is not available. Therefore, judges and judicial experts refuse to carry out legal cases for the implementation of restorative justice. Because in the laws for each stage of the referral of judicial cases to implement each of the cases of restorative justice separately, the costs of doing so are not clearly and distinctly considered or the considered costs are negligible.

Fourth Speech: Lack of Reference for Quiz Exercise

In the interests of restoring justice, the rights of victims and social workers require a stable system that people know and trust. In Iran, the only legal authority to resolve disagreements and mediation is the Dispute Resolution Council. One of the concerns in the judiciary is the lack of recognition of Iranian society and people about restorative justice and the absence of a clear reference to the implementation of restorative justice. This will disrupt the functioning of the judiciary in this regard. So that the institutions and strategic plans for the implementation of restorative justice are not implemented. So a problem dimension existed in this field is the people's trust in the judiciary and the responsible organizations in the area of resolving disputes in the best way as well as prevention of social damage resulting from crime as well as the functioning of the criminal system as well as their participation in monitoring the damage caused by it.

On the other hand, lack of appropriate reference to mediation and lack of systematic and systematic rules has created a challenge for the proper implementation of restorative justice, and brings the crime to crime and redress. In the implementation of mediation, for example, failure to properly implement restorative justice can cause that from the moment the victim and criminal go to the agreement to attend meetings and negotiations and with the talks, peace and reconciliation, there is no guarantee from the beginning to the end and after the agreement to fulfill the obligations. And this tends to commit crimes against perpetrators particularly offenders who are from the prosperous community or who are financially ineligible may have thought that they would commit any crime and ultimately commit victimization with a victim of reconciliation, and they will not miss any retribution and it is only possible to compensate for the damage and it is much easier to calculate them by committing them. So restorative justice, in some cases, increases the mass, instead of preventing crime.

Topic 2: Judicial Strategies:

The reaction to crime is realized in two forms: 1- Criminal Response 2- Recovery Response. In the restorative response, or restorative justice, we have two approaches. A) A Pure Democrats who believe that in order to realize the community's participation in the process of prosecution, criminal justice should be eliminated and replaced by restorative justice and debates under the heading of "de-dictating, decriminalizing, and punishing". B) The maximalist approach that believe while respecting restorative justice also adhere to the criminal justice approach and in their view, restorative justice cannot be responsible for all crimes and in Iran's criminal prosecution system, both in law and in its rules of law, its approach to restorative justice is evident. Indeed, in judicial proceedings, we seek to reduce the number of criminal proceedings and disputes. In 2013, different disputes were held in criminal cases outside the judicial system of the country, and we see this approach in the Rules of Procedure of 2013 in various cases, including articles 1 and 82, and in other laws, including article 72 of the labor law system. Therefore, restorative justice is an acceleration in the recovery of damages in criminal matters. The criminal conduct of the material and moral damage to the society and the victim entails, and the criminal justice system is more likely to seek punishment and compensates for the losses of a

long process. While the functioning and approach to restorative justice shortened this long and wider route and provides the necessary grounds for the loss suffered in order to achieve its right. Another function of restorative justice is the use of social capacities, such as social work, trade unions, and arbitration centers in the Chamber of Commerce in relation to commercial, commercial and economic crimes - the use of the capacity of institutions and organizations of the people, as well as the use of the Board of Trustees of mosques, schools, universities, etc. Nevertheless, given the function of restorative justice, it is noteworthy that restorative justice faces many challenges in practice, which, if we solve the challenges and obstacles, can see more results. Therefore, in order to solve some of these judicial challenges, practical solutions are presented in this article such as "Developing and training judges and staff of restorative justice institutions, Temporary expulsion of cases filed to restorative justice institutions and Encouraging Judges and Criminal Justice Officers to Implement Restorative Justice."

First Speech: Culture and Training of Judges and Employees of Restorative Justice Institutions

The first solution to the implementation of restorative justice is "the development and training of judges and staff of restorative justice institutions" which should firstly be used to promote culture and motivate judges and employees of restorative justice institutions to implement restorative justice:

1. The structure of restorative justice institutions will change for hardware and software.
2. Insights change to restorative justice.
3. Institutions such as the Dispute Resolution Council are admitted.
- 4-The structural look of managers to change the statisticism and lack of attention to restorative justice.
5. Build trust in the capacity of the members of the Dispute Resolution Council.

In the first place, promotion and development of a culture of peace and education through specialized training should be considered. In the second place, culture is to promote peace and mediation between peoples, so that they cannot arbitrarily address simple issues or resolve issues to the judiciary. There should also be training at the level of staff and judges so that, in the event of a lawsuit filed in the judiciary, maximum efforts are made to bring peace and mediation between

the parties. And in this regard, the impact of conducting training classes among members of restorative justice institutions should not be ignored.

6. The preference for mediation and reconciliation in policy-making and policy-making and management is essential in order to issue a ruling on issues related to the use of human resources in restorative justice institutions.

7. Applying members of the Peace and Peace Organization to strong people. Because the experience at the Dispute Council is that members consider the topic very simple and banal by forming an unhealthy meeting and writing a simple case file, the case is restored, in this regard, in addition to employing motivated people, it will try to pursue the true meaning of peace between them.

8. Encouraging judges and criminal justice officials to be active in referring cases to restorative justice or restorative justice institutions. For this purpose, both in terms of material and career advancement and evaluations, this should be taken into account, for example, in relation to the special efficiency of judges and staff working in the field of peace and reconciliation. Or special privilege for active workers in the field of restorative justice, and these incentives play a very important role in judges' approach to statistics and response to senior executives, and more relaxed, as a result, we will see a decrease in the number of criminal cases and the reduction of cases in the judiciary.

Second speech: Temporary expulsion of cases filed with restorative justice institutions

The second is the implementation of restorative justice for the temporary withdrawal of cases filed with restorative justice institutions.

Despite the efforts of judicial authorities, the status of prosecutors and courts in terms of the number of cases is not desirable, and in recent years, most laws and procedures have been in line with the decline in file entry. So that even these two criteria were, in some cases, an important measure in assessing the performance of judges. Therefore, it can be guessed that referral to mediation is also appreciated because it can reduce the stock of a branch. Also, if the considerations of the case management system require that the level of inventory of a branch does not decrease to a minimum, referral to mediation is not much to be desired. There is no

doubt that if statistical considerations are involved in this, serious problems will arise. Because, in the first place, reference to mediation is optional under Article 82 and even if the other conditions are met, the judge does not refer to the assignment. Secondly, the relevant judge can overwhelm or reduce the willingness to refer to mediation. However, it is currently being considered in the use of institutions such as suspension of prosecution and punishment, conditional release, and so on. In some cases, statistical and managerial considerations are more important than scientific criteria based on the correct criminal policy.

Third Speech: Encouraging Judges and Criminal Justice Officers to Implement Restorative Justice

The third way to enforce restorative justice is to "encourage judges and criminal justice staff in restorative justice." Efforts to encourage judges and criminal justice staff are very effective in referring cases to restorative justice institutions in restorative justice, in a manner that encourages judges to materialize and promote their job and assessments can lead to more workforce and judges in the area of peace and reconciliation. If there is a special point for active workers in the field of restorative justice it can play a very important role in the judiciary's approach to statistics, and the response to senior executives is reduced, and with more relaxation of hearings, we will see a decline in the criminal record and the reduction of cases in the judiciary.

Topic 3: Judicial Strategies - Executive in the Judiciary of Markazi Province

Part of the strategies that bring about restorative justice in the legal system of Iran relates to judicial-executive strategies. A joint meeting of the provincial judicial authorities with the prison authorities and the efforts to establish peace institutions in prisons and the allocation of facilities and facilities for the implementation of restorative justice can be used by members of the interest of the dispute resolution councils. Inviting the plaintiffs and convicts in prison to mediate and resolve the differences and repair the injuries inflicted on the victim. In this regard, it is also possible to use charities to repair the victim's finances and obtain his consent. In this regard, this institution has been formed in the Central Prison of Arak and the dispute resolution

divisions have started dealing with the differences between convicts and plaintiffs; Also, two restorative institutions, called " Salvation Ambassadors", have been especially active for the Kindness Ambassadors.

First Speech: Salvation Ambassadors

Salvation ambassadors in Markazi province, which operate in the framework of a special peace unit between plaintiffs and governors and mainly in murder cases in Arak; this group consists of a director or deputy director of the prison unit responsible for the jail culture unit of the prison guards. There are several convicted convicts in jail in murder and other cases, depending on the type of crime and with his family and the culture and situation where the crime is located, the process of restorative justice is condemned to remand, modifying his behavior based on his personal file. With the information we receive from the case file of life and personality condemned by referring to the place of residence of the plaintiff and the parents of the tail (which, even in some cases, are outside the province) negotiations and numerous meetings with the family or the elders of that place and they are making peace and reconciliation. In some cases, the presence of the local imams and congregation or other influential people who have a certain place and privilege among the victimized family, parents and plaintiffs are used and, if necessary, by inviting the plaintiffs and parents in prison and in a suitable environment and with special respect and in the best interest of the family and the condemned convict and tried hard to make a compromise between the parties which will lead to compromise in about 50% of the murder cases in the Markazi province. Of course, in cases where the father-in-law is persuaded to take retaliation, on the day of execution of the retribution, and before the execution of the sentence, the invitation to those who are capable of it, will be the endeavors of peace and reconciliation.

Goals of this group:

- Devotion to the Prophet and in line with the Qur'anic movements of the movement to promote the culture of peace and reconciliation in society. It is an integral part of the implementation of restorative justice and the reduction of the effects of crime and the suffering of the victim.

- Further development of security in prison complex and soft security in prison.
- Moving on the path to the general policies of the system to reduce the prison population.
- Moving on the path to overall policy-making through the reduction of social damage to the families of minors.

The result of these actions has led to 216 cases of satisfaction and peace in non-murder cases and 17 cases of peace and prosecution in murder cases in 1395. In 1396, 249 cases of non-murder cases and 24 suspects in murder cases were found, with documents in the central prison of Arak.

Second Speech: Kindness Assistants Plan

The plan is being implemented in the central prison of Arak (camp). Kindness members is one of the capacity of the restorative justice institution, which is principally implemented in the central prison of Arak (camps) in regard to perpetrators of crimes without direct victimization (such as the perpetrators of drug offenses). In this camp, before and in the past, all helpers were kept in four rooms, and there was free use of tobacco and even occasional reporting of substance use inside the ward. The presence of cigarettes and narcotics inside the waistband caused the disagreement among prisoners. In the first place, there was a difference between those who agreed (cigarettes and drugs) and in the second place, those who opposed it and the financial transactions of cigarettes and narcotics caused conflict, self-mutilation and suicide with the coordination of judicial authorities and prison managers and with special expertise and specialist capabilities, the team of psychology and the work of the Cultural Employment Unit and other units leads to a change and a change in behavior. Frequency of drugs and non-segregation of detainees from prisoners and drug convicts in previous years was an obstacle to create the proper platform for implementing the so-called "Kindness". Even Qur'anic activities-technical and vocational education-were overshadowed and not well-targeted and not targeted, therefore, to create a suitable platform, there was a need for goals and planning, and specialized force. In recent years, there has been a lot of effort to change the fundamental attitudes and transformations. Undoubtedly there have been some problems and obstacles in this direction who spent time with tact, deception, tolerance, tears and negatives, and received better results. The drug convicts are mostly not

a private plaintiff, therefore, the plaintiff's consent cannot be obtained, and the prosecutor as a prosecutor complains about citizens and the community and under the rules and laws of the perpetrators, the perpetrators of production, transportation, storage, sale and other drugs receive sentences depending on the type and amount of drugs. There is no doubt that these convicts are from other perspectives, except for the police and judiciary views of the victims and the victim. Therefore, it is necessary, as well as criminal justice, to apply to convicted public prosecutors, justice will be used to repair and repair their losses and losses, for example, a person who has been trapped in addiction and drug trafficking for whatever reason. It is not just a person to be punished, but he has a spouse, child, parents, brother and sister and relatives with the application of law and cash and lashes and imprisonment in this process, there is an accident, stress, anxiety and material and moral losses. Imprisoned wife divorces and her child homeless and abandoned which changes the attitude of the prisoner and provides the basis for appropriate compensatory and restoration activities in prison will reduce the number of prisoners and reduce the family's anxiety and stress, as well as create a sense of livelihood for both the mentor and his family. The example above that the divorce of the spouse and the collapse of the family center were raised is to return home and family, and under the umbrella of parental support for the children and the warming of the warm family.

Kindness members Implementation Process:

The components of the Seal Assistants' Concepts include the Trusteeship Council, psychologists, assistants, groups, care centers and the Mehr House, each of which has many roles and responsibilities. For example, the principles governing the Seal care centers include non-use of drugs, non-compliance and abuse, the prevention of violence and violence, the observance of individual and group health and so on. In addition, the lack of smoking in the covered area, respect for the rights of others, the deepening of religious beliefs, and dozens of other laws governing the Kindness Center. Briefly, the establishment and commissioning of the Mehr Assistance Plan, which led to the abandonment of the areas of common misconduct in prisons and the drying up of the consumption, distribution and sale of materials in

prisons, except for colleagues in the prisons of the province, the judiciary, the provincial governor's prosecutor, the head of the justice department has had a sincere cooperation to the extent that, if this interaction and cooperation were not the work of the prison staff and the targets for the helpers, it could be said that he was dead and condemned to failure. The process of changing attitudes initially raised leads to change in behavior, performance, change in activities and goal-oriented efforts to achieve relaxation and confidence, building trust for the family, hope for the spouse and children, and so on. And there are people who, with the suggestion of their imprisoned prisoners, have been reduced to death forever through the interactions and follow up of the judiciary (the head of the judiciary and the provincial capital's prosecutor) and living and working in the memorizing of the components of the Qur'an that similarly, when executions are reduced to life imprisonment and life imprisonment, the sparkle of hope in the eyes of the prisoner shines for a better life, and consequently this hope of life and evolution passes hierarchically to family, spouse and children and it can be considered as an instance of restorative justice and the source of positive and lasting effects that will be very effective in reducing the return to jail. By implementation of the Assistance Program and interviews with 15 to 20 clients who had completed the process, (case study), it turned out that new horizons have opened up in their lives. A new look to life, as well as their ideology, has changed considerably.

Conclusion

The school of restorative justice, with respect for human dignity, seeks to ensure fair trial, decriminalization and raising cultural potential. The mechanism of restorative justice has raised the capacity of the community to accept the criminal's delinquency and purges the notion of a monster called the offender from the mind of the community and sees the delinquent as a disease requiring treatment. Tolerance and the ability of the community to deal with the delinquent as a patient can make the community and the perpetrators aware of the problem of the delinquent, and this cannot be done except by providing training and implementing programs for restorative justice. This will also raise the cultural level of society.

Specialized crime and detention can be an effective step towards achieving the goals of restorative justice, as well as the return of individuals to society. The implementation of restorative justice, the removal of barriers and legal challenges, and the use of appropriate alternatives to punishment can save the perpetrator from subsequent imprisonment. By creating effective laws and respecting citizenship rights, better grounding for legal grounds and reforming them, as well as more efficient institutions for suspending prosecutions and suspension of punishment, etc., could provide grounds for re-enabling offenders. On the other hand, the removal of barriers and judicial challenges can help judges of the judiciary to enforce restorative rules. In this way, it brings the perpetrators to society through fair trials and the creation of a peaceful environment for trial and the use of legal institutions. Generally, in the school of restorative justice, all people in the community and judicial, educational, and cultural institutions should be linked to each other, which can only work together to achieve the goals and implementation of restorative justice by working together.

References

- Abbasi, M. (2003a). Restorative Justice, A New Approach to Criminal Justice, *Journal of Research and Law and Politics*, Autumn and Winter, p. 88
- Abbasi, M. (2003b). *New Horizons of Restorative Justice in Criminal Mediation*, Tehran] Publishing Daneshvar, First Edition
- Cheraghi Navid, Z. (2016). Challenges and obstacles to the implementation of restorative justice in Iranian criminal system, Master's thesis, Shahid Ashrafi University of Isfahan, p. 57
- Gholami, H. (2006). *Restorative Justice*, Publication of the Party
- Llewellyn, Jennefer J. & Hows, Robert. (1998). *RESTORATIVE JUSTICE A CONCEPTUAL FRAMEWORK*, 84 pages.
- Najafi Brand Abadi, A.H. (2004). from classic criminal justice to restorative justice, *Journal of Law and Judgment*, Shahrivar 2004, p. 20
- Van ness, Daniell w. (1993). *New Wine And Old Wineskins : four challengs of Retorative justice*, *Criminal Law Forum*, 4 , CRIM . L . F ., PP, pp.251-79
- Wright, Martin, Marshall, Tony and others. (2005). *Restorative justice*, translation by Amir Samawati Pirouz, Khalilian Publications, p. 13