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# Assessment of Leniency Measures in Drug-Related Offenses under Iran's Criminal Policy in Light of International Drug Control Conventions

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## ABSTRACT

The proliferation of drug-related offenses and their adverse social, public health, and security consequences has prompted legal systems to consider rehabilitative measures and leniency mechanisms alongside strict punitive approaches. Using a descriptive-analytical method and library-based sources, this study explains the theoretical foundations of leniency measures and examines their manifestations in Iranian domestic law and the extent to which they align with international approaches. The findings indicate that international drug control instruments, while requiring states to criminalize certain drug-related conduct, also emphasize the application of treatment, rehabilitation, and alternative sanctions, particularly in dealing with drug users and low-risk offenders. Iranian law has likewise taken steps toward strengthening rehabilitative approaches and individualizing criminal responses by providing mechanisms such as mitigation of punishment, deferment of sentencing, suspension of the execution of sentences, conditional release, and certain treatment-oriented measures. Nevertheless, the restricted applicability of leniency measures to certain drug-related offenses, the predominance of a security-oriented perspective, and the absence of consistent criteria for applying these mechanisms constitute significant challenges in this area. It may therefore be concluded that, although Iran's criminal policy demonstrates signs of movement toward rehabilitative approaches, revising certain legal provisions and strengthening a differentiated criminal policy appear necessary to enhance the effectiveness of leniency measures and achieve greater conformity with contemporary international approaches.

**Keywords:** *Leniency measures, drug-related offenses, criminal policy, international conventions, individualization of punishment.*

## Introduction

The proliferation of drug-related offenses in recent decades has become one of the major challenges facing criminal justice systems at both national and international levels. The complexity of trafficking networks, the high profitability of these activities, and the social and economic consequences arising from the consumption and distribution of narcotic drugs have prompted governments to adopt diverse criminal policies to address this phenomenon. Nevertheless, the experience of legal systems demonstrates that exclusive reliance on stringent and repressive approaches has not only failed to produce a sustainable reduction in drug-related offenses but has also,



in many instances, increased prison populations and perpetuated the cycle of recidivism. Consequently, contemporary criminal policy has gradually moved toward a more balanced approach that combines resolute action against organized trafficking networks with attention to the rehabilitation, correction, and social reintegration of low-risk offenders.

Within this framework, leniency measures have emerged as important instruments of modern criminal policy. By introducing flexibility into criminal responses, these mechanisms facilitate the individualization of punishment and enable judges to consider the offender's personal characteristics, degree of dangerousness, and the circumstances surrounding the commission of the offense when determining and enforcing punishment. In addition to reducing the adverse consequences of imprisonment, the application of leniency measures can reinforce the rehabilitative orientation of the criminal justice system and reduce the likelihood of recidivism by creating opportunities for the gradual reintegration of convicted persons into society. Accordingly, many contemporary legal systems have sought to establish a balance between the necessity of combating drug-related offenses and the observance of the principles of individualized and proportionate punishment.

At the international level, the issue of narcotic drugs has also been addressed through a series of global instruments and conventions. While emphasizing interstate cooperation in controlling the production, distribution, and trafficking of narcotic drugs, these instruments call upon states to adopt policies that, in addition to imposing criminal sanctions on organized activities, permit the use of treatment-oriented and rehabilitative measures and alternatives to punishment. This approach distinguishes between drug users and low-risk offenders, on the one hand, and professional and organized traffickers, on the other, and seeks to tailor the criminal response to the degree of risk posed and the role performed by the offender. Such an approach reflects the gradual movement of global criminal policy toward more limited reliance on severe punishments and greater attention to treatment and rehabilitation strategies.

The Iranian legal system has not remained unaffected by these developments in the field of drug-related offenses. Although criminal policy in this area has at certain times been characterized by a stringent and security-oriented approach, recent legislation and practice reveal signs of increasing attention to rehabilitative and differentiated approaches. The recognition of certain leniency mechanisms in criminal laws and efforts to distinguish among different categories of offenders constitute manifestations of this development. Nevertheless, the fundamental question is the extent to which the scope and manner of applying these measures are consistent with the approaches recognized in international drug control instruments and whether the Iranian legal system has succeeded in establishing an appropriate balance between the need to combat drug-related offenses effectively and the necessity of employing rehabilitative measures.

Accordingly, the central problem addressed in this study is the extent to which leniency measures applicable to drug-related offenses under Iranian law conform to the approaches embodied in international drug control conventions. The study aims to analyze the position of these mechanisms within Iran's criminal justice system and assess the extent of their convergence with, or divergence from, international standards governing the use of treatment-oriented and rehabilitative measures and alternatives to punishment. Employing a descriptive-analytical method and examining domestic legal sources and international instruments, the present research seeks to provide a clear account of the status of leniency measures within Iran's criminal policy by explaining their theoretical foundations and analyzing the existing legal provisions. The main research question is whether Iran's legal framework governing drug-related offenses provides an effective basis for applying leniency measures. The

research hypothesis is that, although the Iranian legal system recognizes certain statutory capacities for the application of these measures, legislative restrictions and the continued predominance of stringent approaches in some areas have prevented those capacities from becoming fully consistent with contemporary international orientations. The novelty of this article lies in its simultaneous focus on domestic legislation and international frameworks, through which it seeks to provide a relatively comprehensive assessment of the position of leniency measures in the criminal policy governing drug-related offenses and to facilitate a more precise analysis of the interaction between domestic law and international obligations in this field.

### **Conceptual Foundations and Theoretical Framework of Leniency Measures in Drug-Related Offenses**

To analyze leniency measures in drug-related offenses, it is first necessary to clarify the conceptual and theoretical framework of these mechanisms within criminal law. Accordingly, this section examines the fundamental concepts and theoretical foundations associated with leniency measures.

#### *The Concept of Leniency Measures in Criminal Law*

In criminal law, leniency measures refer to a set of mechanisms through which the legislature or the judiciary permits a reduction in the severity of the criminal response imposed on an offender under particular circumstances. These mechanisms demonstrate that criminal responses need not invariably be applied in an identical manner or with a fixed degree of severity; rather, they may be adjusted according to the offender's personal characteristics, the circumstances surrounding the commission of the offense, and the dangerousness of the conduct. Within this framework, leniency measures serve as instruments for introducing flexibility into the criminal justice system and allow punishment to move beyond a purely repressive model toward more proportionate and humane responses (1).

From an analytical perspective, the principal function of these mechanisms can be understood in connection with the principle of individualization of punishment. Individualization means that the criminal response must be tailored to the offender's personal characteristics and the particular circumstances of the offense and that identical punishments should not be imposed on materially different situations. Leniency measures constitute legal instruments for realizing this principle because they permit judges, within the limits established by law and on the basis of an assessment of the accused or convicted person, to mitigate the punishment or subject its enforcement to specific conditions. Punishment is thereby removed from a rigid, predetermined framework and transformed into a dynamic mechanism capable of adapting to a variety of circumstances (2).

The Iranian legal system recognizes numerous forms of leniency measures in its criminal legislation, each of which operates in some manner to reduce the severity of the criminal response or modify the method by which it is implemented. Mitigation of punishment is among the most important of these mechanisms, enabling the court to reduce the prescribed punishment when specific mitigating circumstances exist. Suspension of the execution of punishment permits enforcement to be suspended for a specified period so that, if the convicted person complies with the conditions imposed by the court, the punishment may ultimately not be executed. Deferral of judgment is another mechanism whereby the issuance of a conviction is postponed for a defined period during which the defendant's conduct is assessed (3).

Furthermore, mechanisms such as conditional release and alternatives to imprisonment may also be categorized as leniency measures because they are intended to reduce the adverse effects of custodial sanctions and facilitate

the convicted person's gradual return to society. Certain measures available during the enforcement stage, including temporary leave and pardon, perform comparable functions by moderating the criminal response. Taken together, these mechanisms demonstrate that criminal law seeks to establish a balance between the necessity of responding to crime and humanitarian and rehabilitative considerations and to avoid imposing stringent punishments indiscriminately in every case.

### *Theoretical Foundations for Granting Leniency Measures*

The granting of leniency measures in criminal law rests upon a set of theoretical foundations intended to balance the necessity of responding to crime with the requirements of offender rehabilitation and the effectiveness of the criminal response. Within contemporary approaches to criminal policy, punishment is not regarded merely as an instrument for penalizing or excluding offenders; it is also conceived as a means of managing criminal behavior and facilitating the offender's return to social life. On this basis, leniency measures are recognized as mechanisms capable of aligning the severity of the criminal response with the offender's individual and social circumstances and preventing the uniform and stringent application of punishment in all cases (4).

One of the most important theoretical foundations of these mechanisms is rooted in the rehabilitative and correctional conception of punishment. Under this view, punishment is considered effective when, in addition to responding to criminal conduct, it facilitates the reformation of the offender's personality and reintegration into society. Leniency measures play an instrumental role within this framework by reducing the severity of punishment or modifying the manner in which it is enforced, thereby strengthening the conditions necessary for rehabilitation. This approach proceeds from the premise that offenders do not all exhibit the same degree of dangerousness and that, in many circumstances, less severe and more targeted responses can effectively prevent recidivism (5).

A further theoretical basis for leniency measures may be explained through the concept of differentiated criminal policy. This approach emphasizes the necessity of distinguishing among different forms of crime and categories of offenders and maintains that criminal policy must possess sufficient flexibility to respond proportionately to diverse situations. Accordingly, the criminal justice system cannot respond identically to all offenders but must distinguish between professional criminals, occasional offenders, and individuals who commit offenses under particular circumstances. Within such a structure, leniency measures facilitate differentiated responses based on the degree of responsibility and dangerousness attributable to the offender and thereby prevent the unnecessary expansion of severe punishments (6).

Criminological findings have also played an important role in shaping the theoretical foundations of leniency measures. Criminological research demonstrates that social, economic, and psychological factors exert substantial influence on the formation of criminal conduct and that many offenders experience circumstances in which stringent responses not only fail to promote their rehabilitation but may increase the likelihood of reoffending (5). From this perspective, leniency measures constitute instruments for calibrating the criminal response according to social realities and the personal characteristics of offenders. This approach enables the criminal justice system to balance the objectives of deterrence, rehabilitation, and social protection and to avoid the extensive application of severe punishments where such sanctions are unnecessary.

### *The Position of Leniency Measures in Criminal Policy Governing Drug-Related Offenses*

Criminal policy in the field of drug-related offenses has historically fluctuated between two distinct approaches. On the one hand, the extensive social and economic effects of these offenses have produced a stringent and repressive policy that emphasizes aggravated punishments and severe criminal responses. On the other hand, the complexity of the drug phenomenon and the diversity of the roles and circumstances of persons involved demonstrate that a uniform approach to all offenders cannot adequately address social realities. Under such circumstances, leniency measures emerge as instruments for balancing the necessity of combating drug trafficking with the rehabilitative and humanitarian considerations of criminal policy, thereby introducing flexibility into the criminal response (7).

The function of these mechanisms in criminal policy governing drug-related offenses becomes clearer when the differing roles and positions of individuals involved in such offenses are considered. In many cases, persons committing drug-related offenses differ substantially in their dangerousness, motivation, and role within the drug distribution chain. The imposition of uniformly severe punishments on these distinct groups is not only inconsistent with the principles of criminal justice but may also diminish the effectiveness of criminal policy. In such circumstances, leniency measures operate as mechanisms for adjusting the criminal response according to the degree of responsibility and dangerousness attributable to the offender and allow criminal policy to move beyond a uniform and excessively stringent framework (8).

Within this framework, one of the most important manifestations of a differentiated policy in the field of drug-related offenses is the necessity of distinguishing among drug-dependent persons, retail-level sellers, and organized traffickers. Drug-dependent persons are frequently situated in circumstances in which their criminal behavior is connected less to profit-seeking motives than to their physical and psychological dependence on narcotic substances. In such situations, exclusive reliance on criminal punishment cannot provide an adequate response, and treatment-oriented and rehabilitative measures assume greater importance. By contrast, organized traffickers who operate for profit within structured criminal networks pose a higher degree of danger and may more justifiably be subjected to more severe criminal responses (9).

Accordingly, leniency measures perform a dual role within criminal policy governing drug-related offenses. On the one hand, they enable the reduction of criminal sanctions imposed on offenders who pose a lower degree of risk or who committed the offense under particular circumstances. On the other hand, the targeted application of these measures may enable the criminal justice system to concentrate its resources more effectively on combating organized trafficking networks. Therefore, the judicious use of leniency measures is not inconsistent with the objectives of combating drug-related offenses; rather, it can enhance the effectiveness of criminal policy and contribute to the realization of criminal justice.

### **The International Drug Control Framework and Its Approach to Punishment**

Because of its transnational effects, the drug phenomenon has long occupied a central position in the concerns of the international community, leading to the development of a series of international instruments and conventions intended to control the production, distribution, and trafficking of narcotic drugs. An examination of the international drug control framework can therefore provide an appropriate basis for analyzing the criminal approaches adopted by states toward persons who commit such offenses.

### *The 1961 Single Convention on Narcotic Drugs*

The 1961 Single Convention on Narcotic Drugs is one of the most important international instruments regulating global drug control policy and represents a turning point in the formation of a coordinated international system for controlling narcotic drugs. The Convention was adopted to consolidate earlier rules and establish a coherent framework for monitoring the production, distribution, and consumption of narcotic substances, while seeking to balance the necessity of controlling such substances with considerations relating to public health. Within this framework, the Convention's approach is not exclusively focused on criminal repression; it also addresses the lawful regulation and limitation of drug use for medical and therapeutic purposes. The logic underlying this international instrument is therefore based on creating a regulatory system designed to prevent the expansion of illicit drug use while preserving the legitimate availability of narcotic substances for medical and scientific purposes (10).

One important element of the Convention is the obligation imposed on states to criminalize certain forms of conduct related to the illicit production, distribution, and trade of narcotic drugs. Under the Convention, states are required to adopt the legislative measures necessary to combat activities that contribute to the expansion of the illicit drug cycle. This approach indicates that the international community regards the drug phenomenon as a transnational threat requiring legal coordination among states. Nevertheless, the Convention's criminalization obligations do not amount to an absolute endorsement of stringent penal policies; the instrument also allows the adoption of measures responsive to social and humanitarian circumstances (11).

Indeed, one of the significant features of the 1961 Single Convention is that, alongside its emphasis on criminal enforcement against trafficking and illicit drug distribution, it recognizes the possibility of treatment-oriented and rehabilitative measures. This approach demonstrates that international drug control law does not rely exclusively on punishment but instead seeks to distinguish between organized criminal activities and the circumstances of persons affected by drug consumption. Such a perspective provides a basis for adopting strategies intended to reduce social harm and support the process of returning affected individuals to ordinary life (12).

The 1961 Single Convention may therefore be regarded as the starting point for an approach under which drug control is pursued through a combination of regulatory, criminal, and rehabilitative measures. By establishing common obligations for states, the Convention provides a framework within which the fight against drug trafficking is connected with humanitarian and treatment-oriented considerations and differentiated policies may be adopted toward various forms of drug-related conduct.

### *The 1971 Convention on Psychotropic Substances*

The 1971 Convention on Psychotropic Substances was developed as part of the international community's continuing efforts to establish a coordinated drug control system and constituted a legal response to the expansion of the consumption and distribution of synthetically produced psychotropic substances. Scientific and pharmaceutical developments during the middle decades of the twentieth century led to the large-scale production of new chemical compounds possessing significant psychoactive and dependence-producing effects, while many legal systems lacked a specific framework for their control. Under these circumstances, the need for an international mechanism to regulate the production, distribution, and use of such substances became apparent, and the 1971 Convention emerged as an instrument supplementing the global drug control system. Its central objective is to



balance the legitimate availability of certain psychotropic substances for medical and scientific purposes with the need to prevent their illicit consumption and misuse worldwide (13).

The logic underlying the Convention is based on establishing a multilayered system of supervision and control in which psychotropic substances are classified according to their degree of risk and harmful effects, with different levels of legal restriction prescribed for each category. This mechanism reflects an attempt to develop a balanced policy that preserves the therapeutic use of certain pharmaceutical compounds while preventing the growth of illicit markets for such substances. Accordingly, the criminal policy envisaged by the Convention is not based solely on punishment but on a combination of administrative supervision, legal regulation, and criminal measures intended to reduce illicit access and restrict the distribution cycle of these substances (14).

At the same time, the approach of this international instrument demonstrates that the control of psychotropic substances cannot be achieved exclusively through criminal law and requires policies that distinguish among users, illicit manufacturers, and organized distribution networks. Such an approach creates the conditions for adopting responses proportionate to the nature of different forms of conduct and prevents the imposition of uniform criminal responses on all persons connected with psychotropic substances. Within this framework, treatment-oriented and rehabilitative measures for persons affected by substance use are recognized, thereby connecting criminal policy with public health and social considerations (15).

The 1971 Convention on Psychotropic Substances can consequently be understood as part of the transformation of the international drug control system toward a more flexible and multidimensional criminal policy. By emphasizing legal supervision, control of illicit markets, and attention to the treatment and social dimensions of drug use, the Convention provides a framework for adopting differentiated responses to different forms of conduct involving psychotropic substances and avoids exclusive reliance on severe punishments.

#### *The 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*

The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances may be regarded as the most important stage in the development of the international drug control system because it was adopted in response to the expansion of organized trafficking networks and the increasingly transnational character of drug-related offenses. Before the adoption of this Convention, international instruments focused primarily on controlling the production and distribution of narcotic drugs. However, developments in illicit drug markets and the increasing complexity of organized trafficking structures revealed the need to strengthen criminal mechanisms and cross-border cooperation. Within this context, the 1988 Convention was developed to promote coordination among national legal systems and improve the effectiveness of efforts against organized trafficking by providing more effective legal instruments for confronting international drug distribution networks (16).

One of the most important characteristics of the Convention is its emphasis on criminalizing a broad range of conduct associated with drug trafficking. Under this framework, states are required to criminalize conduct such as illicit production, transportation, distribution, financing, and the organization of trafficking networks within their domestic legal systems. This approach reflects the understanding that effective action against drug trafficking requires attention to every component of the chain of illicit activities and that restricting criminal policy to a limited number of acts cannot prevent the expansion of the phenomenon. Furthermore, by addressing the criminal responsibility of organized groups and the prosecution of financial activities connected with drug trafficking, the Convention seeks to target the economic structures sustaining these networks (17).

Alongside the strengthening of criminal law mechanisms, the development of international cooperation against drug trafficking constitutes another central component of the Convention. The transnational nature of these offenses means that effective responses cannot be achieved without coordination among states. Accordingly, the Convention addresses mechanisms such as extradition, mutual legal assistance, information exchange, and cooperation in identifying and confiscating proceeds derived from trafficking. These measures demonstrate that the fight against drug trafficking is regarded as a common global concern requiring coordinated action among different legal systems (18).

Despite its emphasis on criminal enforcement, the 1988 Convention does not rely exclusively on severe punishments and permits the use of alternatives to punishment for certain offenders. This approach is especially important for persons who play a minor role in the cycle of drug-related offending or who are affected by substance use. In such cases, treatment, education, and rehabilitation measures may replace exclusively punitive responses and thereby prevent the expansion of the social consequences associated with these offenses. The Convention thus combines stronger criminal policies against organized trafficking with a basis for differentiated and rehabilitative approaches toward certain categories of offenders.

### *The Approach of International Instruments to Leniency Measures*

An examination of international drug control instruments demonstrates that the international community's approach has gradually moved beyond an exclusive focus on severe punishments toward a multidimensional policy in which treatment, rehabilitation, and social reintegration measures occupy a significant position. Although these instruments continue to emphasize the criminalization of certain conduct associated with the production and trafficking of narcotic drugs, they also allow states to employ mechanisms intended to reduce social harm and facilitate the return of individuals to ordinary life. This approach indicates that international drug control policy is not based solely on criminal enforcement but seeks to establish a balance among security, health, and social objectives (19).

Within this framework, one of the most important manifestations of leniency in international instruments is the attention devoted to the treatment and rehabilitation of drug-dependent persons. In many instances, drug users are situated in circumstances in which their conduct is connected less to criminal motivation than to physical and psychological dependence on substances. International instruments therefore allow states to employ treatment, care, and rehabilitation measures rather than concentrating exclusively on punishment. This approach rests on the premise that purely criminal responses cannot effectively resolve substance dependence and that treatment and rehabilitation may play a more substantial role in reducing demand for narcotic drugs (18).

International instruments also recognize the use of alternatives to punishment. Such measures may include treatment programs, social education, supervisory interventions, and other rehabilitative initiatives intended to reduce the harms caused by severe punishments and facilitate the gradual reintegration of offenders into society. This approach is particularly significant for persons who perform minor roles in drug-related offenses or operate at lower levels of the distribution chain because the imposition of severe punishments in such cases may produce extensive social consequences and reduce the effectiveness of criminal policy (20).

Overall, international drug control instruments emphasize the necessity of distinguishing between drug users and organized traffickers. This distinction provides the basis for a differentiated policy and enables states to adopt distinct responses to different forms of drug-related conduct. Within this framework, stringent action against



organized trafficking networks is accompanied by treatment-oriented and rehabilitative measures for users and low-risk offenders. The resulting policy is a balanced one in which drug control is integrated with humanitarian and social considerations and the use of leniency measures within domestic legal systems is strengthened.

### **Manifestations of Leniency Measures in Iranian Law Governing Drug-Related Offenses**

An examination of leniency measures applicable to drug-related offenses under Iranian law requires consideration of the provisions contained in both general criminal legislation and the special laws governing this field. Analyzing the manifestations of these measures can therefore clarify the degree of flexibility present in Iran's criminal policy toward persons who commit drug-related offenses.

#### *Leniency Measures under the Islamic Penal Code*

Within the Iranian criminal justice system, the Islamic Penal Code constitutes one of the most important legal sources for recognizing and applying leniency measures and plays a fundamental role in realizing the principle of individualization of punishment. By providing for a series of leniency mechanisms, the Code seeks to establish a balance between the necessity of responding to crime and the need to consider the offender's personal characteristics, the circumstances surrounding the offense, and the possibility of rehabilitation. The legislature's approach in this area is based on the view that imposing identical punishments without regard to the individual circumstances of offenders cannot fully realize the objectives of criminal justice. Accordingly, the recognition of leniency measures under the Islamic Penal Code functions as a means of moderating the severity of the criminal response and aligning it more closely with the actual circumstances of each case (21).

One of the most important manifestations of these measures is mitigation of punishment, which permits the court to reduce the prescribed sanction when mitigating circumstances are present. Factors such as the particular circumstances surrounding the offense, the accused person's cooperation in detecting the crime, and the offender's personal situation may provide a basis for mitigation. The primary function of this mechanism is to prevent the imposition of disproportionate punishments and introduce flexibility into judicial decision-making. Mitigation is therefore one of the most important instruments for realizing individualized justice within the criminal justice system and plays a significant role in reducing the adverse effects of severe sanctions (22).

In addition to mitigation, mechanisms such as deferral of judgment and suspension of the execution of punishment are recognized under the Islamic Penal Code and are intended to reduce direct criminal justice intervention in cases where the offender may be rehabilitated without serving the punishment. Deferral of judgment permits the court to postpone the issuance of a judgment for a specified period during which the offender's conduct and circumstances are evaluated. Similarly, suspension of the execution of punishment authorizes the court to suspend enforcement for a defined period and, if the offender demonstrates behavioral reform, to refrain from executing the punishment. These mechanisms demonstrate that, in certain cases, criminal policy prioritizes offender rehabilitation over the actual imposition of punishment (23).

Mechanisms such as alternatives to imprisonment and conditional release are also recognized under the Islamic Penal Code as instruments for reducing reliance on custodial punishment. These measures are intended to prevent the adverse consequences of imprisonment and facilitate the gradual reintegration of convicted persons into society. Taken together, these mechanisms indicate that the Islamic Penal Code adopts a relatively flexible approach to punishment and seeks, through the expansion of judicial discretion, to create opportunities for individualized criminal

responses. Such an approach establishes a basis for employing leniency measures in relation to certain offenses and may enhance the effectiveness of the criminal justice system (21).

#### *Leniency Measures under the Anti-Narcotics Law*

As the principal special legislation governing drug-related offenses in the Iranian legal system, the Anti-Narcotics Law adopts a more stringent approach to the determination and enforcement of punishment than the general rules of the Islamic Penal Code. The nature of this legislation is influenced by a control-oriented criminal policy directed against drug trafficking, and it therefore limits the scope of leniency mechanisms in many instances. This approach is based on the assumption that the proliferation of drug-related offenses and their extensive social consequences require a criminal response characterized by greater severity and certainty. Consequently, unlike the general penal system, which emphasizes flexibility and individualization, this field is characterized by restrictions on judicial discretion in applying leniency measures (24).

One of the most important characteristics of the Anti-Narcotics Law is its prescription of relatively fixed punishments based on the quantity of drugs seized, a structure that in practice restricts extensive use of mitigation. This framework reduces the significance of the offender's personal characteristics and the particular circumstances surrounding the offense in sentencing and substitutes quantitative criteria for qualitative assessments. Consequently, the availability of mechanisms such as mitigation is restricted in many cases, and courts may employ them only within specifically defined and limited frameworks. This condition reflects the predominance of a deterrent and security-oriented approach in drug control policy, under which the principal objective is understood to be the resolute suppression of drug-related offenses (25).

Nevertheless, the legal structure of the Anti-Narcotics Law is not entirely devoid of leniency measures, and in certain circumstances it permits mitigation or reduction of punishment. In particular, where an offender cooperates effectively with judicial or law-enforcement authorities in detecting drug-related offenses, the possibility of reducing punishment or granting certain benefits may arise. This approach demonstrates that, alongside a control-oriented policy, the legislature has recognized the instrumental function of leniency mechanisms in identifying trafficking networks. From this perspective, granting benefits to offenders who assist in identifying and prosecuting other perpetrators is employed as a mechanism for improving the effectiveness of the criminal justice system (26).

Recent legislative reforms have also moved to some extent toward moderating earlier forms of severity and have attempted to establish a greater balance between the necessity of combating organized trafficking and consideration of offenders' individual circumstances. These developments demonstrate that criminal policy in the field of narcotic drugs has gradually moved toward the limited acceptance of certain leniency mechanisms, although the scope of these measures remains restricted in comparison with the general rules of criminal law. The existing legal system therefore reflects a combination of stringent policies and limited use of leniency measures, with strict control of drug-related offenses continuing to constitute the principal priority.

#### *Leniency Measures at the Enforcement Stage*

The enforcement stage may be regarded as the arena in which the rehabilitative and correctional objectives of the criminal justice system are actually realized, because it is at this stage that the criminal response moves from the abstract form of a judicial judgment to the convicted person's lived experience. Within this framework, leniency measures such as conditional release, temporary leave, and pardon perform an essential role in moderating the

adverse consequences of imprisonment and facilitating the convicted person's gradual return to society. These mechanisms demonstrate that the execution of punishment is not a static and inflexible process but may be modified according to the convicted person's conduct, rehabilitative progress, and individual circumstances. The enforcement stage therefore constitutes an important setting for realizing the principle of individualization of punishment (27).

Conditional release is one of the most prominent manifestations of leniency at this stage and is granted on the basis of an assessment of the convicted person's conduct during imprisonment and readiness to return to social life. Its application rests on the premise that continuing imprisonment after the rehabilitative objectives of punishment have been achieved is unnecessary and may even produce harmful social consequences. Conditional release serves, on the one hand, as an incentive for compliance with institutional rules and participation in rehabilitation programs and, on the other, as a means of gradually supervising the convicted person's social reintegration. It thereby establishes a connection between criminal justice and recidivism-prevention policy (28).

Temporary leave constitutes another leniency measure available during enforcement and performs supportive and rehabilitative functions. By preserving the convicted person's relationships with family and society, temporary leave prevents complete isolation and social disconnection. Continued contact with the social environment may prevent the development of a persistent criminal identity and facilitate the individual's gradual adaptation to life outside prison. This function demonstrates that the execution of custodial punishment without flexible mechanisms may intensify rather than reduce social harm (27).

Pardon may also be analyzed at a broader level as an expression of criminal policy based on clemency and the public interest. Connected with social and humanitarian considerations and, at times, with prison overcrowding, pardon can result in the broad mitigation of punishments and facilitate the return of convicted persons to society (29). The role of the prison administration in assessing the conduct of convicted persons and recommending their eligibility for these benefits is also important because institutional reports concerning rehabilitation provide a factual basis for decision-making. Overall, leniency measures at the enforcement stage demonstrate that an effective criminal policy regards the execution of punishment as a dynamic and reviewable process and uses flexible mechanisms to balance the need to respond to crime with the objective of offender rehabilitation.

### **Comparative Assessment of Iranian Law and International Conventions**

This section analyzes the extent of convergence and divergence between Iran's criminal policy and the approaches embodied in international conventions concerning the granting of leniency measures, with a view to identifying the strengths, challenges, and consequences of the existing framework for the criminal justice system.

#### *Areas of Convergence*

A comparative examination of Iran's criminal policy governing drug-related offenses and the approaches adopted in international drug control instruments demonstrates that, notwithstanding certain differences, the two systems converge in several important respects. One of the most significant areas of convergence is the acceptance of a differentiated policy toward different categories of persons involved in drug-related offenses. Many international instruments emphasize that the criminal response should not be identical for all persons involved in the drug cycle and that distinctions must be made among users, retail-level offenders, and organized trafficking networks. A similar approach has gradually been strengthened within the Iranian legal system, and certain legal provisions attempt to

distinguish between persons affected by substance dependence and professional traffickers. This distinction creates a basis for adopting different and more proportionate responses to each category.

Another area of convergence is the attention devoted to treatment-oriented and rehabilitative measures for drug users. The prevailing approach in international instruments is based on the understanding that substance dependence is not exclusively a criminal matter and that its public health and social dimensions must also be considered. Accordingly, treatment and rehabilitation are emphasized as components of drug control policy. Over time, the Iranian legal system has also devoted greater attention to this approach, and certain provisions permit persons affected by substance dependence to be referred to treatment and withdrawal programs. Such measures demonstrate that criminal policy is not based solely on punishment and that rehabilitative instruments are used in an effort to prevent continuation of the cycle of drug use and offending.

The use of certain alternatives to punishment represents another area of convergence between domestic law and international approaches. International instruments emphasize measures capable of reducing the adverse effects of imprisonment and facilitating the social reintegration of low-risk offenders. In Iranian law, mechanisms such as deferral of judgment, suspension of the execution of punishment, and alternatives to imprisonment similarly demonstrate that criminal policy is gradually moving toward more flexible responses. Taken together, these developments indicate that, although the overall structure of drug-related criminal policy remains substantially influenced by security considerations, efforts have been made in certain areas to establish relative consistency between the requirements of combating drug-related offenses and the rehabilitative approaches emphasized in international instruments.

### *Challenges and Deficiencies*

Despite certain indications of convergence between Iran's criminal policy and international approaches concerning the use of leniency measures, a detailed examination of the legal framework governing drug-related offenses reveals significant challenges and deficiencies. One of the most important challenges is the restricted scope of leniency measures in relation to many drug-related offenses. Whereas modern criminal law emphasizes flexibility in criminal responses and their adaptation to the offender's personal circumstances, a substantial portion of the legislation governing drug-related offenses continues to reflect a stringent approach based on fixed punishments. This situation means that mechanisms recognized under the general criminal law for moderating punishment are, in practice, subject to extensive restrictions.

Another challenge concerns the predominance of a security-oriented approach within criminal policy governing narcotic drugs. The strong emphasis on enforcement and repression has caused rehabilitative and correctional objectives to become secondary in certain contexts. When criminal policy concentrates excessively on the immediate containment of threats arising from drug trafficking and distribution, the necessary space for extensive use of leniency measures based on the offender's personality and individual circumstances becomes restricted. The resulting criminal response focuses more heavily on severe and deterrent punishment than on the rehabilitation of criminal behavior.

The absence of clear and consistent criteria for applying leniency measures also constitutes an important deficiency. In certain circumstances, no precise and uniform standards exist for determining whether an offender is entitled to benefit from these mechanisms, which may produce substantial differences among judicial decisions.

The absence of detailed frameworks for assessing offenders' circumstances poses a challenge to the full realization of individualized punishment.

In addition, the restricted discretion of judges in applying leniency mechanisms in certain areas constitutes a significant obstacle. When the legislature extensively limits the scope of judicial decision-making, judges lose the capacity to tailor punishment to the actual circumstances of the case. Such restrictions may prevent the criminal response from being calibrated in a manner capable of simultaneously realizing the objectives of prevention, rehabilitation, and criminal justice.

### *Consequences of These Deficiencies*

The continuation of existing restrictions and deficiencies in the use of leniency measures for drug-related offenses has significant consequences for the effectiveness of criminal policy. One of the most important consequences is the growth of the prison population. Where the use of alternatives and leniency mechanisms is restricted, imprisonment becomes the predominant response to a broad range of drug-related conduct. Consequently, a substantial number of individuals, particularly low-risk offenders and persons playing peripheral roles in the distribution chain, enter the prison system. Under such circumstances, correctional institutions experience increased pressure on their capacity, and their ability to implement rehabilitation and correctional programs is diminished because overcrowding prevents individualized and effective attention to each convicted person.

Another important consequence of these deficiencies is the reduced effectiveness of the rehabilitative approach within criminal policy. When criminal responses are predominantly based on stringent and inflexible punishments, opportunities to employ mechanisms capable of correcting behavior and facilitating offenders' social reintegration become limited. In such circumstances, imprisonment does not invariably reduce the likelihood of recidivism and may, in some cases, facilitate the formation of criminal relationships and reinforce a criminal identity. The limited use of leniency measures may also reduce convicted persons' motivation to participate in treatment and rehabilitation programs because they lack a clear prospect that such participation will reduce the duration or severity of their punishment.

The continuation of these restrictions also creates a relative divergence between domestic criminal policy and contemporary approaches emphasized in international instruments and programs. Many modern policies do not address drug-related offenses exclusively through aggravated punishment but instead employ a combination of preventive, treatment-oriented, and social measures. Where the legal framework does not permit extensive use of flexible measures, convergence with these approaches becomes difficult. Such divergence may indicate that the criminal response system has not yet fully moved beyond a purely repressive model and requires reform aimed at strengthening differentiated and rehabilitative mechanisms.

### **Conclusion**

An examination of the position of leniency measures in Iranian law governing drug-related offenses in light of international drug control instruments demonstrates that criminal policy in this field occupies an intermediate position between two distinct approaches. On the one hand, the necessity of combating organized trafficking networks and the extensive social and economic consequences associated with the proliferation of narcotic drugs has caused legislation in this area to be shaped substantially by deterrent and stringent considerations. On the

other hand, developments in penal thought and the expansion of criminological approaches in recent decades have gradually introduced greater attention to offender rehabilitation, individualized punishment, and alternatives to conventional sanctions. The analysis of the theoretical foundations of leniency measures demonstrated that these mechanisms are based on a conception of punishment that does not regard it solely as an instrument of retribution but also as a means of correcting criminal behavior and returning the offender to social life. From this perspective, mechanisms such as mitigation of punishment, deferral of judgment, suspension of the execution of punishment, conditional release, and alternatives to imprisonment permit the criminal response to be adapted to the offender's personal circumstances and the conditions surrounding the offense, thereby realizing the principle of individualized punishment.

The examination of the international drug control framework also demonstrated that, although international conventions require states to criminalize certain forms of conduct associated with the production, distribution, and trafficking of narcotic drugs, they simultaneously permit the use of treatment-oriented and rehabilitative measures and alternatives to punishment. These instruments particularly emphasize treatment, rehabilitation, and social reintegration in relation to drug users and persons affected by substance dependence. This approach demonstrates that international drug control policy is not based exclusively on aggravated punishment but encompasses a combination of criminal, social, and treatment-oriented measures. An examination of Iranian legislation likewise indicates that certain aspects of this approach have been incorporated into the domestic legal system. The recognition of mechanisms such as deferral of judgment, suspension of the execution of punishment, alternatives to imprisonment, and treatment-oriented measures for persons affected by substance dependence demonstrates that domestic legislation has, in recent years, attempted to move beyond an exclusively repressive approach and toward the use of rehabilitative instruments.

Notwithstanding these developments, the comparative assessment demonstrates that the application of leniency measures to drug-related offenses under Iranian law continues to face limitations and ambiguities. In many cases, the availability of these mechanisms is restricted by the prescription of severe punishments or statutory limitations, and the broad use of alternatives has not been made possible. Furthermore, the predominance of a security-oriented perspective in criminal policy governing narcotic drugs has caused rehabilitative and correctional objectives to occupy a secondary position in certain contexts. The absence of precise and consistent criteria for applying leniency measures may also produce differences in judicial practice and reduce the predictability of criminal decisions. This situation not only challenges the effectiveness of rehabilitative policy but may also contribute to prison overcrowding and diminish the effectiveness of rehabilitation programs.

Accordingly, the answer to the central research question demonstrates that, although the Iranian legal system has taken steps toward the rehabilitative and differentiated approaches emphasized in international instruments, it continues to face legislative and practical obstacles to the full utilization of leniency measures. Greater effectiveness in this field requires the revision of certain legal provisions and the establishment of a balance between the necessity of combating organized drug-related offenses and the need to adopt flexible responses toward low-risk offenders. Strengthening differentiated criminal policy, expanding the availability of alternatives to punishment, and increasing judicial discretion in individualizing criminal responses may promote greater convergence with contemporary drug control approaches while simultaneously enhancing the capacity of the criminal justice system to achieve its preventive and rehabilitative objectives.



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## Authors' Contributions

All authors equally contributed to this study.

## Declaration of Interest

The authors of this article declared no conflict of interest.

## Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

## Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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