

**Research Article**

**Theoretical aspects of the individual replies  
in criminal justice**

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**ABSTRACT**

Individual replies is as one of the most fundamental aspects of fair discourse effects process .This policy, allows those involved in the criminal justice to exploit the teachings of criminology-based correctional treatment, appropriate response and yet the management of schools with personal and social standards apply to offenders. Being flexible, yet systematic and scientific approach has led to the criminal justice both theoretical and operational expressed extensively in different areas such as: clinical criminology, criminal psychology and psychiatry, criminal policy of discussing individual replies. But it can be noted that this approach reflects in the field of criminal justice. It is mainly studied with a focus on operationalization of international instruments binding and guidance. This paper examines the theoretical aspects of this approach by descriptive and analytical method.

**Keywords:** individualization, principles, remedies, replies, criminal character

**INTRODUCTION**

Individual replies are one of the most important and at the same time considered as human rights in fair hearing approach. Attaching importance to stream the criminal phenomena, both individual and social causes to call the name of the person established in the pre-trial process and then be considered by policy makers real crimes. This principle does not try in the criminal action against the criminal act itself but gives proportionate response to its character and so that its human rights have to be respected. Individualization principle is different from the principle of personal punishment. In fact being personal attention that the person should be held accountable for his criminal act not someone else and the response of punishment to fit the crime charged is concerned with character and that some one knows these two principles similar is quite wrong. Individualization principle is that the judge has discretion and determines the appropriate response to the character and status

of offenders. Having individual attention to the trial and punishment-as one of the fundamental principles of criminal law system after the transition of all mankind "pre-scientific era criminal law." And entering to the classical period so far and also the mind of the common law is clear. First look at the principle of individualization theory, the doctrine of precedent was never in dispute and all legal systems need proper answers to the character of the offender recognize punishments, Individualization of utility scale effects in all legal systems is their compliance with the principles of rationality and collective human conscience and morality. Appropriate in a comparative study can inspire improvement and personal development in the Iranian penal law which were consistent with the spirit of international human rights and don't have conflict with the structure and principles of our Islamic Iranian .So research before attempting to use international instruments and

implementation approach based on individual documents of the International, Challenges to the humanitarian principle of criminal law is resolved in Iran.

However, it should not be hidden and subtle angles purposes with an emphasis on improving the treatment of offenders who founded mainly away from the imaginative mind. The research conducted in this paper seeks to answer this question that individual foundations of the answers can be probed in which branch of criminal science and what is the final result of aforementioned approach? So in this article ,there have been discussed in the first part and second part to the basics of this article to explain the objectives of the individual answers.

#### **- Individual foundations of replies**

Individual approach has necessary and unique objectives in the theory. Some of these principles have taken root social-cognitive theories which are included concepts such as individualism and originality of the community in its womb but some of the other approaches are based the field of human rights. These concepts of individualization in the form of exposure to ban disproportionate penalties and also pay attention to the rehabilitation strategy puts regard. On the other hand, can be one of the objectives of the criminology noted, Where most eye toward clinical criminology been flexible, because is undoubtedly one of the main pillars of the strategy, both in theory and at the operational strategy on the basis of clinical criminology.

#### **Sociological Foundations of individualization**

Punishment has long been in the minds of the general public in various countries that if someone commits a crime, must be faced with the criminal response. These thoughts are the concepts of "reimbursement" and "entitlement" . The purpose of repaying the offender must compensate the damage. This evokes the famous phrase "eye for eye, and tooth for tooth" and the order of merit is that the offender must be punished for transgressions that done. But over time, the idea faded even among communities. Increasing attention to the

fundamentals of utility specific answers and look to improve and rehabilitate the offender's cause absolute justice to the trunk of an abandoned school to join criminal sociology. According to the social acceptability, the penalty will be the right time to achieve a legitimate aim in a society and cause a balance between individual rights and community rights that this can not be achieved except with respect to individual and social character Delinquent (Rahimi nejad and Habibzade, 2008, p. 130).The facility also has a personal interest and collective interest. It turns out that that day is the same offender return to the bosom of the community. So there is no doubt that this approach will benefit both sides.

#### **-Individual originality**

Theory of authenticity is not only to an individual contract rights and autonomy in signing contracts and transactions but also criminal law is causing the effect and source including the principle of individualization replies. Because according to this theory, a person could committed anything wish without any restrictions or prohibitions that would be deprivation of liberty.

Therefore prohibited he from doing or omission must be justified in terms of benefits and personal freedom is useful and provided by law and in accordance with the provisions of the punishment and status of the criminal.

And this is in the Declaration of Human Rights, which provides that: "The law has the right to prohibit actions that are harmful to society. What is not illegal not be prevented and no one can be forced to do what the law does not matter. "(Rahimi Nejad,2008 , p. 101). Individual originality theory causes to creating and spreading ideas about human dignity.

This theory attention to the offender as a human individual and have searched reduction or elimination of the phenomenon of delinquency in the improvement of condition, suggesting the individualization of punishment and to ensure the rights and freedoms of the individual, reply were determined and implemented accordance with the personal and social status offenders.

### **-Social originality**

Proponents of this theory believe that the original of the society over the individual. The root of fairness and justice in benefit rules that make compliance with those rules decisively achieved for the community. (Shusterman, 1987). The penalties must be different from their traditional targets, save society from the dangers of crime perpetrator. If the first impression of the term social defense to say that by virtue of authenticity addition, the person does not have an absolute right against the public interest. Perhaps this can be picked up with one of the individual objectives of the call-on is consistent with the prevention of crime. The actions respond appropriately, fails assuming the commission of this offense from the offender and thereby society protects against the harmful effects of crime. Of course, the absolute impression that the person is not liable for the sum of no originality, Social defense is certainly far from thinking because authenticating to an individual or an appropriate response actions are ultimately the society of criminals. In fact, it is mutual benefit to both the individual and society. But it seems if crime prevention for the protection of society, Replies individualization among the social objectives know consistent with the theory then it must improve the theory of individual offenders and compatible with the principle of individualization.

### **-Foundations of individualization criminology**

In clinical criminology approach, crime is an ontological fact that the guarantee is worthy of punishment. At the same time in such an approach, criminal is more a victim. Victim of deficiencies, emotional deprivation, family, educational, economic and social (Najafi Abrandabady, 2011). So it seems clinical pattern takes these two important characteristic: 1 individualization of the criminal, because according to the teachings of the clinical pattern, each offender is a special mental state. So all of the individual characteristics of the offender can be a special call for him.

- Indefinite criminal, because the main purpose of this model is to rehabilitate offenders and ultimately their return to society. Therefore can not be treated like criminals precisely, so the sentence is indeterminate. (Najafi Abrandabady, 1995, p. 564). In other words, these teachings to prioritize delinquent as a person independent of the developments and delinquent behavior to review developments in intellectual and personality type as well as the main verge of delinquency and criminal situation specific parameters and the response was tremendous attention so that still use the principles of fair trial standards in many countries of the world.

### **-Personality differences**

Criminal act isn't only mass phenomenon dependent on the organization and functioning of societies but it is a phenomenon that both person and community have the most important role. Even in a sense we can say that crime is first and foremost an individual phenomenon because at the beginning it is an act contrary to the Criminal Code that individual or small group of individuals that have committed. This is where most of the population saw a palpable mass action only the nineteenth century was that the victim was counted as a mass phenomenon. (Gozón, 2007, p. 151). Personality characteristics of individual factors in the development of the individual personality led to created a better understanding of the criminal character. In the analysis, clinical analysis for a better understanding of the criminal mind conducted in that there are many researchers trying to understand the characteristics of offenders and their intellectual development. Professor Jean-Natel was one of the researchers who has done significant research in this area. He knows all humans with "core criminal character" that have four aspects such as : Egocentrism, instability, aggression and indifference. To assess the scenarios that are caused by the accumulation of index-be, the two indexes can be used: One indicator legislative in nature and of short-crime and are known indicators and other are indicators of bio-psychosocial.

Factors that could actually help them discover the crimes committed and the offender will be evaluated internally.

The first batch of indicators mostly are dangerous mode of protests and are not major factor in creating a dangerous state but the second index statistics that help offenders are more in line with the recognition of mental conditions. Whether it be through various tests of biological and social research examined the offenders. (Rohami, 2002, pp. 67-66).

Among the other factors are inherited traits that make a difference to people's character. Although congenital criminological don't believe phenomenon of delinquency influenced by Lombroso rejected thinkers arose, this time that some of the factors causing offense to the effect heredity and the person tends to be somewhat delinquency has been accepted. New scientific methods in this study, has proven the importance of genetic factors in character "Psykopaty". Thus, when possible role of some character disorder in the actualization of some criminal acts, or of some unusual modes of cognition, one can imagine that certain genes in the etiology of delinquency and state in some people is essential. (Babaei, 2011, p. 253).

Environmental factors that are including social factors play an important role in shaping the character of individuals. A term for the person's world that surrounds him and dynamic phenomenon that person interacts with. To investigate the effect of environmental factors in the formation of personality, it is necessary to consider the effect of different environments and the inevitable environments first be investigated. This environment is an atmosphere that one can not live in it.

The family is the first environment that has an inevitable fundamental role in the formation of personality. Numerous studies have demonstrated that when corruption disturbances is in the normal operation of the child's family, in most cases, we will be witnessing illegal activities and deviation after a while.

During the violence, domestic violence and delinquency learn to imitate their parents,

because it is clear to show failure to comply with the law and social norms child. If the family environment is healthy morally, could decisively impact the child's personality and flourishes the potential health and talents. Academic environments and even prison can be effective in shaping one's personality

#### **-Pre Criminal situation**

Etiology of delinquency not only requires the recognition of a criminal character, but also a pre-criminal status be given to the phenomenon of criminal etiology and also the use of individual tools of the situation before the crime exist in hearing more ideal conditions. Definitely a criminal action is to respond to a situation in which the character who is more or less long term. It can be said the criminal situation "sets out the circumstances of the criminal character of that criminal act come first the provision is a criminal act. In the analysis of criminal situation should be considered two basic elements:

1- Event or series of events that has caused the criminal plan in mind offender. In the main event, it can be said that the first element in the criminal situation which includes an event or a series of criminal events that map to the future that suddenly appears in the criminal mind. For example, it can be pay attention to the state of emergency as a result of poverty and the tight-hand that the person is caught that this factor is ultimately leads to theft, or unfaithful partner is the source of love killings.

2. The circumstances that surrounds the baby in the preparation and implementation. This second element to the situation before the establishment of criminal events which are more or less favorable for future offenders and put him in a position to realize their criminal plans. For example, having a weapon on the table, just being the next victim, all events are dumped into an implementation plan to facilitate criminal addressing. These circumstances are not related to the criminal motivation of individual but allow implementation plan of his crimes and performance quality are indoctrinated to future offenders.

The meaning of the concept of criminal situation is the past experience that brings to mind about how well these are manifestations of hostility between him and the victim, thoughts and motivations. Briefly it is a set of visualization includes mental and emotional insight that comes with the criminal situation. Thus, a special criminal situation, in terms of how perceptions can stimulate actualization criminal act or vice versa, the situation will remain without effect. Similarly, it can be realized that the same person in two different times may be against a criminal situation, a reaction that may lead to crime, and some others is not in this way. (Gozón, 2007, p. 201). Described objective, the characteristics of the character, disposition, hereditary tendencies, talents, intellectual and social impacts that are visible from the outside. Individual personality traits that were on the verge of delinquency multiple ways is studied such as anatomical, pathological, psychological.

In the light of the results of the new analysis and research on the biology of the kind of personality can be found on the side of physiognomy, physiological, biological Brigade that is crucial in the criminal investigation. It may be concluded that most of the factors ultimately impact on mental. In describing the psychological is considered attitudes, and beliefs of individual talents and characters. The meaning of attitudes, values and norms is a person's way of thinking. In this vision, attitude towards family and social values are concerned. For example, about family values has been observed that the perspective of persons with criminal tendencies toward marriage and family formation is negative. (Ghasemi, 1995, p. 86). Including the status of the criminal act before it can be considered a perilous state. Dangerous state has broad concept that was born in fulfillment school of thought and we can say it is considered one of the pillars of clinical criminology. The clinic and the concept is not a legal concept, (Niazpoor, 2008, p. 60).

So dangerous state must be explained based on clinical criminology teachings. Clinical Criminology dangerous state in a state puts him in a suspected offense where the coupling effect of causing offense to anyone in particular. (Babaei, 2011). It is said that dangerous state is social temptation that exist in the criminal case, so bring him to the crime (Ardabil, 2008, p. 185). The latter case is concerned solely with the person who is suspected of committing a crime. Whether the offender is someone who has previously been convicted of a crime. The aforementioned concepts related to the dangerous state of those who have not yet committed a crime. Then it is a dangerous state of potentiality. Because all assessments and judgments concerning the future of the dangerous state. When it becomes a danger, not a past or present, but the purpose is damage that will happen in the future. Then it is a dangerous state of potentiality. Because all assessments and judgments concerning the future of the dangerous state. Also when speak about people who have dangerous state, what actually is considered that the person at some point in the future, will create a kind of damage. So dangerous state, the features in the show will be a source of risky behavior. (Babaei, 2011, p. 30).

The remarkable thing is that criminologists and outcomes from clinical trials has been forced to assess accurately the factors that led to this dangerous state. In fact, the eve of the criminal organization or a criminal situation in the dangerous state divided into external factors and internal factors:

- 1- External factors including motivation and understanding the causes of crime in terms of identifying incompatible
- 2-Factors that can be used by professional criminals to explore and understand the properties of their last win Delinquency.
- 3.Sudden factors that help to identify offenders.

The internal factors include heredity, as well as factors related to the factors linked to longevity and committing a criminal act that determines

the emotional well. (Najafi Abrandabady, 2013, pp. 108-105).

It can be help to predict dangerous state through character recognition and filing criminal character act on individualization on the threshold of delinquency and prevent a repeat of the action. Among the various elements of the criminal situation, the victim was specifically focus on modern criminology. Check the victim and steward relationships created fertile ground for criminal action has been named branch in criminology.

Hunting Phone that know him father of victimological ,in a book entitled "the criminal and his victim," wrote his opinions in the context of the victim. In his opinion for deep and comprehensive knowledge of effective crime and protect society against it ,all factors affecting the occurrence of crime should be examined.

Crime and its causes are connected to each other as rings of chain. The victim is one link in the chain, so when criminal behavior process is regarded as a series of individual and social factors, the role of the victim should also be examined as a foreign agent in a criminal situation. According to the Hunting, character and personality of the victim, his relationship with the perpetrator and the circumstances and conditions in which the victim was on the verge of Offenders may have an impact on birth criminal then thought up the idea in actuality. In this context he writes: Although the judge in the light of criminal law, finally managed to separate the offender from the victim, if the genesis of delinquency draw threshold will face the victim in many cases. Implied consent to commit a crime, or committed have stimulated collaboration. . (Babaei, 2011, p. 272). However, research carried out in the territory of the victim, the victim's conduct and actions that directly or indirectly in the creation of effective massand in many cases have stimulated the perpetrator and the victim . So the relationship between the victim and the offender is an important issue that has a crucial role in the creation of criminal situation. By choosing one victim of the crime, the offender and the victim

is in part the result of a previous relationship. So, in all these areas and talents, a section determines the threshold of the crime,i.e, the criminal situation. (Najafi Abrndabady,2009 , p. 2645).

Iranian criminal law will be approved in 1991 paragraph 3 of Article 22 and Article 38 of the IPC IPC approved in 2013 that the responses of individual criminal is sentenced on victim impact because of the effects of cognitive .

Because the victim provocative behavior and speech as part of the chain of crime will causes that the court could become delinquent or mitigate punishment.Human experience has shown that a penal sanction, because the nature of fundamental human rights targeted and is always need to be justified in violation of them. Respect for human dignity requires that in determining the type and amount of punishment and character of the offender, the penalty must be considered from the perspective of international human rights system. The use of punishment when necessary to defend the freedom and dignity of others are useful in maintaining public order and prevent crime and reform criminals and on the other hand no choice but does not exist to resort to sanctions and criminal enforcement . Abuse of guarantees is as a call for insubordination and criminal enforcement of criminal law and as the indiscriminate use of antibiotics and unknown risks, which creates serious crimes occur in much more than the individual and society. (Sherman, 2000, pp. 83-63). It should be noted that the usefulness of punishment alone can not be a license to anticipate and impose any punishment because "the theory of profit and maintaining Expediency originality, interpretation of justice in favor of the security system is as simple as possible. This theory can be a good basis for the use of state violence. "(Shabestari mujtahid, 2005, p. 453) .The theory of human rights and ethics in the interest of the polls and sacrifice is pure utilitarianism. May sometimes citing public interest, killing, imprisonment, indignity, the permitted. It is therefore a useful addition and effective punishment is fair. "No criminal should be set

and enforced, unless there is entitled to bear it. Deserve punishment, blame and punishment that is due to the significance of the damage and determine the character of the offender as well as the issue of crime. " (Clarkson, 1992, pp. 258-259).

#### **Ban disproportionate response-**

Criminal history check is painful subject and yet interesting. The reason is that not only the evolution of human-to-human cruelty and brutality to prove, but also shows this claim of Durkheim who says penalty date, date of cancellation is permanent. Punishment merely look to the future, not the past. History teaches us that no punishment-not permanent and free from defects and all of them are gone after satisfying the objectives and the vice president is more suitable for them. With the exception of the death penalty, penalty old and civilized modern societies today are gone, chained, throwing them to the women on the weather wrong by wooden chairs, dark-flagellation, cover your mouth and sew clothes, usually depicting a red letter A on the adulterers, the punishments that are to be found only in novels and terrible museums. (Fatah, 1997, p. 292). It can be defined as inappropriate and degrading punishments such answers and stated that: Actions that harm the dignity of the person, in other words call or when punishment is degrading that the ability to break the victim's physical and mental strength and makes her a victim in the sense of inferiority and humiliation. (Spencer, 2004 distinguished 71) But as noted with the passage of time, little by little, was oriented approach to dealing with criminals dignity and leading to certain principles in this context. It can be said, the discussion on the appropriateness of the punishment, the victim and the offender has long been important in human rights documents part. For example, in Article 20 "Great Charter" adopted by the King of England was established in 1215 and is one of the important human rights documents. This emphasis is clearly on the need to form "a free person is not punished for a small misdemeanor but based on the size of the crime and for a great crime will

be punished on the basis of its size .... "(Kashani, 2004, p. 212).

This is notable considering that in the legal systems of many countries' right of not exposing disproportionate punishments today" is considered to be as one of the fundamental principles of citizenship in the realm of criminal law. This right arises directly from the principle of dignity and human dignity that has been identified in many international instruments, regional and national human rights. Article 5 of the Declaration of Human Rights of 1948 such lyrics that "no person may be subjected to torture or punishment or treatment unlike cruel or inhuman or degrading ". As well as Article 7 of the International Covenant on Civil and Political Rights in 1966, "no one can be persecuted or punishment or cruel or inhuman or be a rogue. In particular, no one shall be subjected without his free consent to medical or scientific experimentation. "

In view of Articles 2 and 4 of the Convention against Torture and other cruel, inhuman and savage 1968 and paragraph 2 of Article 5 of the American Convention on Human Rights also be seen in 1969 as well. Article 3 of the European Convention on Human Rights and Fundamental Freedoms, Article 3 of these poems is 1950: "No one should be subject to torture and inhuman treatment or punishment is humiliating."

It is a humiliating punishment or inhumane treatment or not depends on circumstances such as gender, health, mood and behavior. This situation affects suffering and humiliation to which people are involved in. It can be said, Article 3 of the European Charter has been interpreted as banning corporal punishment even forbid the jail, especially under harsh conditions could be considered humiliating. This interpretation arises from generally accepted of the policy on sentencing (Emmerson et al., 2001). According to experts and international organizations, corporal punishment, imprisonment in solitary confinement in dark, close to chains, interrogation under threat and pressure,

perform, biomedical testing, castrating men, reduce the quota of daily food are the best examples of disproportionate punishment and answers are opposed to human dignity. (Levine, 1387, p. 144).

Deal dignity circuit for determining the answers can be found in other international instruments such as Article 5 of the African Charter in 1981 and Article 48 of the Charter of Fundamental Rights of the Union stressed the Europe 2000. Perhaps this kind of punishment-based individualization acknowledged that there is some kind of criminal is arbitrary. And individual responses can also be said other than those that are repressive responses. Perhaps more to the point is the emergence of young offenders.

#### **- The right to rehabilitation**

The philosophy of rehabilitation of offenders, like other citizens of the stems that grow in the social sphere and due to some personal problems and social taken offense space and due to some circumstances, the ability to fight against deviation will not have to commit a crime. So the criminal justice system should step before applying any kind of action, educating, nurturing and Treatment to learn social norms and values and thereby offenders back into society again. Hence, those involved in the criminal justice since identify the phenomenon of delinquency until the end of criminal policy and even after leaving their breeding programs follow to treating offenders from the criminal justice system. The criminal justice system should aim to access this criminal character (whether in terms of individual and social terms most appropriate to adopt criminal policy response. (Nyazpoor, 2011, p. 113). Accordingly, in paragraph 5 of Article 156 of the constitution of the Islamic Republic of Iran is one of the main tasks of the judiciary to take appropriate action to prevent crime and can count on reforming criminals. The action that is applied after the crime to the criminal aspects of moral rehabilitation. The offender, on the one hand, due to criminal errors have seen their work rewarded at the same time be chastened (exclusion and

neutralization) ,on the other hand, to strengthen the prevention of recidivism, the punishment, particularly imprisonment become an opportunity to refine and treat and ultimately save offenders from the criminal world (rehabilitation). Recent work with the birth of criminology and expand research and scientific studies about crime, punishment and it works more emphasis mass and thus were legislators (Najafi Abrandi Abadi, 2008, p. 591).

According to the approaches in the field of rehabilitation right there, you can have special look into human rights documents in this case. International Bill of Human Rights, emphasizing the respect for human dignity offenders in a fair hearing, open prison criminals are defined punished mission "Trumped the prison system involves behavioral and social rehabilitation of prisoners the essential aim of which is correct. Juvenile offenders shall be segregated from adults and be subject to appropriate to their age and legal status. "(Article-10 (3): The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status) .Also during the holding of an international forum in 1958 in Rome, Italy, "Di Tulio 'was highlighted the following principles:

1. The study of delinquent behavior in all aspects of using a multi-dimensional social medical examination.
2. The assessment of the offender's character and his dangerous state

Regulated the treatment and the necessity of reform programs and their implementation;-3  
4. reform programs and medical follow-up and control results

It should be noted, reform criminals in addition to the International Covenant on Civil and Political Rights, the International Convention on some other task is to advise the government. If the Merida Convention (2003) was the subject of the fight against corruption, economic corruption is the criminals and perpetrators that the perpetrators of corruption

should be returned to the community with the implementation of reform policies. (Najafi Abrandabady and Hashim Begay, 1998, p. 44).

#### **-Individual goals of replies**

Individual approach in the theory has unique goals. In the case of individual goals should be said, ultimately the strategy is due to the correction and treatment of offenders. In any society that values for freedom the criminal law will help only as a last resort for social control (where absolutely necessary). As rule requires, among several actions that can provide the legislator intended purpose, prudence should be the least damaging to the interests and freedoms's private. This diagnosis requires analysis of various alternative solutions and foreseeable effects on the facts of life and community members in its kind is complex and difficult. (Clarkson, 1992, p. 225).

#### **-Individual goals based on the teachings of remedies**

Treatment of offenders including criminal justice system is target-oriented benefits has a very broad meaning that is correct and treatment, may be briefly stated that "This system is a set of measures and actions that are focused on improving the regime criminal behavior of their character, to say the rehabilitation of offenders" (Niaz Poor, 2011). The teachings of remedies is based on the principle of individualization, in other words in the rehabilitation of offenders, and the case of individual treatment programs should be a priority. In fact a criminal act represents the missing ring and personality deficiencies in mainstream society there are the perpetrator and statistics on legal dangerous state in person (Najafi Abrandi Abadi, 2008, p. 2420).

#### **-Rehabilitation based on knowing Offender**

Rehabilitate of offenders is followed by realism and attention to individual characters and environment, and appropriate educational measures and medical and paramedical training and reforming health.

In the light of these objectives becomes the criminal justice system to a system of education, culture and health because it is assumed that a criminal is like other citizens

has backgrounds, abilities and capabilities that the criminal justice system getting step toward applying any kind of action, educating, nurturing and learn social norms and values and thereby offenders reintegrate into society. (Gholami, 2008, p. 53).

Rehabilitation of offenders for the first time in the form of medical treatment of offenders was introduced by the founders of the school of realization. They maintained the biological nature of the disease is a type of crime that should be punished with the treatment of people.

Thus, the rehabilitation of offenders, especially Caesar Lambvzver realization of the founders of the school of medical treatment is limited to action. (Safari, 2004, p. 115). Gradually expand the scope of the concept of criminological studies and findings of this phenomenon became more widespread.

In this form of crime, not just as a patient but was noticed as a social pathology phenomenon of biological nature and human social phenomenon. This led to the rehabilitation of offenders range of medical treatment continues to community treatment (Ansel, 1996, p. 95).

Thus, under the influence of criminological aspects of health reform changes (rehabilitation) punishment, more in terms of retribution (difficulties) it was of interest to the criminal justice system, So that "criminal law shareholder" is replaced by "therapeutic criminal law"

. (Nyazpoor, 2006, p. 146). The criminal justice practitioners from the moment of arrival to departure juvenile offenders in the criminal justice system. One of the main goals of replies (criminal and non-criminal) is pre-determined individually, So that criminals commit crime after punishment and not chastened. Unfortunately, in the history of criminal law against the criminal actions has shown that personal replies that the impact of the reform and rehabilitation of offenders. The mission of this important principle is that the individual decision or the prevention of crime will be revealed.

### **-Social goal**

In addition to the individual responses in the area of reform, rehabilitation plays a unique role. What can be said is that individual feedback with correct answers and treatment of offenders and the addition of a sanitized force. Replies to correction and treatment of offenders and the addition of a sanitized force appears to be fully in society. In fact, you could say, as much as the crime is a social phenomenon and is influenced by several factors equally and perhaps even more, the fact that large-scale response actions affecting the community is punishment like two sides of the coin. The offender can return to normal life in the community and respect for common and legal norms accepted by society and on the other hand leads to solidify the human dignity as well as past criminal out forever from the cycle of the garment. Perhaps even lose something such as suicide, recidivism and mess-free and moral deviation (Mobin, 2008, p. 77). Individualization replies in general, unlike the past requires that the penalties imposed were unrefined and non-discrimination along with the progress of science and technology and knowledge to transcendental values and human dignity in all stages of the proceedings with offenders to be treated like human beings and penal provisions be transformed parallel to the growth and development community. (Fakhim, 1996, p. 125).

Individualization can be detect constructive social factors crime and causes prevention even social because the main purpose of social deviation detection broadly organized crime and determined the amount of free will that is guilty of a misdemeanor. The question is whether we can say how much of free will is guilty of a crime? Whether the offender is committing anti-social acts and deviation mitigation or not? In recognition of family status, occupation, residential environment, education and other factors, each of which have contributed to the phenomenon of criminal acts, The criminal justice system administrators will be able to correct analysis of personality and social factors affecting it.

Whether the offender is committing anti-social acts and their deviation mitigation or not? In recognition of family status, occupation, residential environment, education and other factors, each of which have contributed to the phenomenon of criminal acts. The criminal justice system administrators will be able to correct analysis of personality and social factors affecting it, the negligence and a perverse studied the effect on the offender's criminal phenomenon. And respond appropriately to the social character of the offender to apply for him. (Tohidi, 1993, p. 98).

### **-Management objective**

Today the human population increases and the rate of delinquency has also increased so that a number of criminal statistics reflect the growing crime rate in human societies. As traditional methods and increase the volume of cases, the criminal justice response to crime and thus reduce the accuracy of the proceedings. Individualization of the proceedings and punishment for having outstanding characteristics of the upgraded certainly increase the accuracy of process management in elderly care.

### **CONCLUSION**

Individual replies are a strategy that has attracted the attention of many criminal policies. Use of this current of thought in the field of criminal justice causes in addition to the varied response to roam, that process allocated an approach consistent with human dignity. The above-mentioned strategy to protect and preserve the individual look and fundamental human values studies the process according to the teachings of the criminal character's mass-clinical and by analyzing the situation of effective variables on criminal incidents (Both personal and social components) will respond to the application and enforcement. In other words, individual responses are oriented approach to crime and punishment and to strengthen aspects of directory criminal process convergence between juvenile and criminal character to operational model for the response to crime is

standard practice. In the context of the general principles of criminology individualization emanating from the intellectual and cognitive state of criminal-circuit type that is the utilitarian and clinical approach. Our strategy largely revolves around the dangerous state and flows through to the Delinquency character-based cognitive type and looking at the offender by patient behavior. In other words, the individual response looks to the operation as a means to rehabilitate the offender, however, the classic pattern of criminal justice be seen mainly on the mental process and regardless of future criminals just looking for blame and punishment of offenders. So offender-oriented approach based on utilitarianism considers to various aspects of the implementation of the policy response of the criminal justice system because without particular rely on a specific type of call should be installed in advance clerk of Circuit modified in order to benefit from the infidels. Finally, we can say the military-interested individual responses are still not to the extent of the criminal policy of Iran. Although a number of ways in different time to be imported to the Iranian criminal justice legislation, on the other hand it should not be forgotten that although international instruments have not mentioned in the form of explicit and direct reference to the concept of individualization but in many cases considered implicitly to the character of the criminal acts. It is therefore fitting that Iran criminal policy makers in the executive and legislative and judicial authorities in order to coordinate the responses of the individual process and pay special attention to fair process and intellectual scheme become more flexible to allow the flow of the International Intellectual documents.

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