



IMPACT OF IMPRISONMENT AND FLOGGING ON DELINQUENT TEENAGE GIRLS

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ABSTRACT

The rights of children and adolescents occupy an important and delicate role within legal systems. In the last ten years, juvenile crime has risen, leading to significant criticism of the punishments imposed on young offenders. A majority of this criticism targets imprisonment and flogging, as the Islamic Penal Code often sentences juveniles to confinement in correctional centers or flogging to help them grasp the severity of their behavior. With societal progress and greater access to technology, it can be argued that most adolescents, especially those over 12, are capable of understanding the seriousness of their actions. Among adolescents, teenage girls demand more attention when subjected to punishments due to their distinct psychological, emotional, and social traits. On the one hand, this group tends to be more emotionally vulnerable than boys, and inappropriate punishments can lead to more profound psychological consequences. Additionally, it is crucial to recognize that many delinquents' teenage girls may be victims of social or familial issues, such as poverty, violence, or insufficient emotional support. Consequently, the social and cultural roles of girls in both families and society require that their punishments be designed to minimize harm and have the least possible social consequences for them. This research investigates the effects of imprisonment and flogging on delinquent teenage girls within Iran's criminal justice system. It aims to analyze how these punishments influence their future careers, social standing, education, and family circumstances. In doing so, the study examines imprisonment and flogging as traditional punitive measures and assesses their consequences. While many international laws and doctrinal views consider the application of such punishments inappropriate, it cannot be overlooked that, in specific instances, sentences involving imprisonment or flogging may be regarded as necessary for religious or rational reasons. The study seeks to determine which of these punishments, if required, has a less harmful impact on individuals, especially delinquent teenage girls, and which poses fewer risks to their future well-being.

KEYWORDS: teenage girls; juvenile criminal justice; flogging; psychology; prison; delinquent girls

INTRODUCTION

Statistics show that juvenile delinquency, especially among teenage girls, has risen in the past decade, although it is still lower in comparison to offenses committed by teenage boys and adult women. As a result, juvenile delinquency is acknowledged as one of the most pressing social issues in various societies. This concern is particularly significant when it comes to teenage girls, due to their distinct psychological and social traits. In many countries, including Iran, the criminal justice system seeks to address delinquency through traditional punitive measures like imprisonment and flogging. Regardless of the effectiveness of these methods in dealing with juveniles, especially girls, it is essential to assess which punishment causes less harm if its implementation becomes necessary.

Imprisonment is a widely used punishment for delinquent juveniles, often resulting in social isolation, the loss of educational opportunities, and the formation of unhealthy relationships within the prison system. Teenage girls, due to their specific age and emotional vulnerabilities, may be particularly susceptible to the pressures of the prison environment. In contrast, flogging, as a form of corporal punishment, undermines human dignity and leaves enduring psychological scars, making it a considerable obstacle to the successful reintegration of these juveniles into society.

This study investigates the effects of flogging and imprisonment, taking into account the physiological, biological, and psychological characteristics of teenage girls. The focus is on evaluating how these punishments affect areas such as education, marriage, and other life aspects, considering the unique traits of teenage girls and the nature of the crimes they have committed. The ultimate aim is to determine which punishment, if deemed necessary, not only fulfills its punitive purpose but also reduces harm and social repercussions.

RESEARCH METHODOLOGY

This research adopts a descriptive-analytical approach to examine the effects of flogging and imprisonment on teenage girls. The primary focus is on the psychological, social, and educational consequences of these two types of punishments. Given that teenage girls are more vulnerable due to their sensitive age and specific circumstances, analyzing these impacts can contribute to reforming criminal policies and mitigating their negative effects. The study employs library-based methods and analyzes existing data. Initially, various resources, including books, academic articles, theses, and official reports, were reviewed. These sources provide information on the psychological and social consequences of punishments and the unique circumstances of teenage girls. Additionally, statistical data published by judicial and social institutions served as a foundation for the analyses. In the analytical phase, statistical information regarding the type and frequency of punishments imposed on teenage girls was collected and categorized. The effects of flogging and imprisonment were then compared from different perspectives. For instance, flogging may cause immediate and intense psychological effects, while imprisonment, due to prolonged separation from family and educational environments, results in long-term harm. The analyses revealed that both forms of punishment have their unique negative consequences, although the intensity and nature of these consequences vary.

Moreover, legal documents, judicial case files, and related reports were thoroughly examined. This facilitated a deeper understanding of the indirect effects of punishments, such as their impact on families and the educational future of teenage girls. This research relies on available data and credible sources to ensure accurate and reliable results. To strengthen the findings, sources from other countries were also reviewed to compare Iran with international practices. However, the study faced certain limitations. For instance, access to some reports and statistics was restricted, affecting the comprehensiveness of the results. Additionally, due to the descriptive nature of the study, direct investigation of the impacts on individuals was not possible.

In conclusion, all ethical principles were strictly adhered to throughout the research. Sources were accurately cited, and data was used responsibly. This study aims to provide a clear picture of the consequences of flogging and imprisonment on teenage girls, thereby contributing to efforts toward reforming criminal justice policies.

RESEARCH BACKGROUND

Juvenile delinquency among teenage girls has been addressed as both a social and psychological issue. Punishments such as imprisonment and flogging significantly affect these girls' behavior, future career prospects, education, and family formation. This research examines the impacts of imprisonment and flogging on delinquent girls and seeks to determine which of these punishments causes less harm.

Impact of Imprisonment on Delinquent Girls

Early research indicates that incarceration, particularly for girls, has profound negative effects. The article *"Incarcerated Women and Girls"* highlights that nearly 60% of teenagers incarcerated for running away from home are girls. Imprisonment may increase the likelihood of delinquency, psychological issues, and economic difficulties (Sentencing Project, 2021). Furthermore, the study *"Introduction: Health Equity Among Incarcerated Female Adolescents"* reveals that incarcerated girls experience higher rates of mental health issues and infectious diseases, which negatively impact their long-term career and social capabilities (PMC, 2022).

Flogging and Its Consequences

Flogging is a physical punishment with numerous adverse effects on delinquent girls. Research presented in *"MORE HARM THAN GOOD"* demonstrates that corporal punishment not only causes physical and psychological harm but also impacts the individual's future career prospects. Children subjected to corporal punishment face greater social and professional challenges in adulthood (PMC, 2021). Similarly, the article *"The Consequences of Corporal Punishment"* states that negative experiences from corporal punishment led to reduced self-confidence and social skills, adversely affecting work performance and success in adulthood (Harvard GSE, 2019).

Impact of Imprisonment and Flogging on Career Prospects

According to the study *"The Impact of Incarceration on Employment, Earnings, and Tax Filing"*, individuals sentenced to imprisonment encounter significant barriers in the job market. Although some gradually increase their engagement in the labor market after release, negative consequences remain evident for up to five years post-release (BFI, 2023). Additionally, the

article “*How to Improve Employment Outcomes for Young Adults Leaving Incarceration*” emphasizes that young individuals released from prison face numerous obstacles, such as the stigma of a criminal record, which negatively affects their job opportunities (American Progress, 2022).

Research also highlights the significant adverse effects of imprisonment on the future careers of delinquent girls. According to a study by Arezou et al. (2020) published in the *Journal of Social and Cultural Studies*, delinquent girls who have experienced incarceration often face severe challenges in accessing job opportunities. Social judgments stemming from their criminal

Imamiyyah Jurisprudence and the Influence of Gender on Punishment

According to research presented in the article “*The Influence of Gender on the Type, Severity, and Execution of Punishment in Imamiyyah Jurisprudence*”, women, who constitute half of society, also commit crimes, some of which lead to the imposition of imprisonment as a punishment. The dual importance of upholding women’s dignity and preserving their maternal role necessitates a more moderate approach to determining prison sentences for women—a perspective that ultimately advocates for the complete elimination of incarceration for women. An examination of religious sources reveals that Islamic law considers the unique sensitivities of women concerning punishment. It must be acknowledged that the use of imprisonment as a key enforcement mechanism in dealing with female offenders has been largely unsuccessful, not only in Iran’s criminal policy but globally as well (Mirhashemi et al., 2023).

Impact of Flogging on Social and Educational Futures

Flogging, as a form of corporal punishment, has both physical and profound psychological consequences. Hosseini (2021), in a study published in the *Journal of Social Psychology*, reported that delinquent girls subjected to flogging commonly experience issues such as reduced self-confidence and social anxiety. These problems often lead to academic underperformance and failure in pursuing higher education.

Impact of Gender on Punishment and Its Execution

Gender plays a significant role in the type and execution of punishment. According to Mousavi (2019) in an article titled “*Gender Inequality in the Iranian Judicial System*” published in the *Human Rights Journal*, punishments in the Iranian judicial system are often harsher for women than for men. This inequality has more negative consequences for delinquent girls, as they may receive less social support.

Social Consequences of Imprisonment and Flogging on Families

Imprisonment and flogging not only affect the delinquent individual but also have consequences for their families. Nouri (2022), in a study titled “*The Impact of Criminal Punishments on Family Structure*” published in the *Family Studies Journal*, notes that such punishments can lead to the collapse of families, as delinquent girls may be deprived of familial support, leading to more social problems.

Medical Consequences of Imprisonment and Flogging

From a medical standpoint, both imprisonment and flogging have severe physical and psychological repercussions for delinquent girls. Kiayani (2023), in a study titled “*Psychological Consequences of Imprisonment on Adolescents*” published in *Forensic*

Medicine Journal, demonstrated that these punishments often lead to mental health disorders such as depression and anxiety, which require medical intervention.

Comparing Imprisonment and Flogging

Some research indicates that imprisonment may have more severe social and psychological consequences than flogging. Alizadeh (2024) in an article titled "*Comparative Analysis of Corporal and Imprisonment Punishments*" published in the *Criminal Law Journal* stated that while flogging has physical side effects, imprisonment carries long-term consequences for an individual's mental health.

CONCEPTS IN THE RESEARCH

- **Biological Changes:**

Biological rhythms are the natural cycle of changes in the chemicals or functions of our body. They act like an internal "master clock" that synchronizes the other clocks in our body. The "brain clock" is located just above the point where the optic nerves cross and consist of thousands of nerve cells that help coordinate the body's functions and activities.

- **Circadian rhythms:** A 24-hour cycle that includes physiological and behavioral rhythms such as sleep.
- **Diurnal rhythms:** A circadian rhythm synchronized with day and night.
- **Ultradian rhythms:** Biological rhythms with a shorter duration and higher frequency than circadian rhythms.
- **Infradian rhythms:** Biological rhythms that last more than 24 hours, such as the menstrual cycle.

- **Physiological Changes:**

Physiology (in French: Physiologie), also known as organology or somatology, is the study of the functions of living systems. It is a branch of biology that focuses on studying the vital functions of living organisms, including their organs, tissues, cells, and elements. To gain a deeper understanding of vital processes, physiologists aim to examine the properties and relationships between these functions and their changes in various environments or under different conditions, using principles from biology and biochemistry. Physiology also explores the evolution and development of these functions within a species or an organism, as well as their changes and adaptations to fluctuating environmental conditions.

- **Conduct Disorder:**

Conduct disorder is a persistent pattern of behaviors in children or adolescents that gradually forms and evolves. It is typically diagnosed in childhood or adolescence as a mental disorder. This disorder involves a repetitive and ongoing pattern of behavior in which the basic rights of others or societal rules are violated. Problems associated with conduct disorder are described through antisocial behaviors, such as theft, lying, fighting, and explosive anger. These behaviors create significant challenges for children and their families and impose a high cost on society.

- **Anxiety Disorder:**

Anxiety disorder is a common mental health condition, particularly affecting women, middle-aged individuals, and the elderly.

- **Borderline Personality Disorder:**

Patients with borderline personality disorder are on the borderline between psychosis and neurosis. The hallmarks of this disorder are emotional instability, unstable interpersonal relationships, and a fragile sense of self. This disorder is also known as emotionally unstable personality disorder. The pervasive pattern of instability in self-image, emotions, and interpersonal relationships is accompanied by impulsivity, self-harming behaviors, chronic feelings of emptiness, and transient paranoid thoughts linked to stress. It typically begins in early adolescence or adulthood and manifests in various contexts.

- **Schizophrenia:**

Schizophrenia, or psychosis, is a mental disorder characterized by persistent or recurrent psychotic episodes. Its main symptoms include hallucinations, delusions, and thought disorders. Other symptoms include social withdrawal, reduced emotional expression, and indifference. Many individuals with schizophrenia also suffer from other mental disorders, particularly depression, obsessive-compulsive disorder, and substance abuse.

In analyzing the issue of imprisonment and flogging as two common types of punishments in the criminal justice system, it is important to note that the impact of these punishments on adolescent girls differs from that on other age and gender groups. Due to their specific psychological and physical characteristics, adolescent girls are more vulnerable to the pressures of prison environments and corporal punishment, and they also exhibit different reactions and susceptibilities. Juvenile delinquency among adolescents, particularly girls, often stems from complex social, familial, and psychological circumstances that drive them toward deviant behaviors. In many cases, delinquent girls are raised in unsuitable family environments or difficult social conditions caused by poverty, violence, or discrimination. These circumstances expose them to severe psychological harm, ultimately leading to criminal behavior. Therefore, it is essential to understand that severe punishments such as imprisonment or flogging often exacerbate the psychological and social problems of these individuals rather than reform their behavior. For this reason, before assessing the effects of these punishments, we must gain a better understanding of the psychological and social conditions of delinquent girls. Based on research, adolescent girls who are detained for various crimes show greater vulnerability to the pressures of incarceration compared to adolescent boys. In confined and restricted environments, these girls may experience feelings of hopelessness, isolation, and even a tendency toward self-harm or suicide. Additionally, physical punishments like flogging can lead to a decline in self-esteem, increased anxiety, and even mental health disorders. However, it can be argued that the consequences of corporal punishment, such as flogging, last for a shorter period and have fewer long-term effects compared to imprisonment.

Moreover, research findings indicate that the negative consequences of imprisonment are more severe for women than for men. In addition to the physical constraints imposed by the male-oriented prison system, the fewer and geographically scattered women's prisons exacerbate their psychological problems. The primary reason for this is their separation from family and concerns about their future after release. Frustration, low self-esteem, and a sense of lost dignity are issues that threaten the mental health of delinquent women (Danesh, 1989, pp. 70-90).

Therefore, to better understand the consequences of imprisonment and flogging, it is essential to pay particular attention to the personality, psychological, and social characteristics of

delinquent girls. The following analysis focuses on the impacts of these punishments concerning their mental health, social relationships, and opportunities for reintegrating into normal life, taking into account the specific characteristics and life situations of adolescent girls and the nature of the crimes committed.

BASED ON CHARACTERISTICS

In analyzing the issue of punishing delinquent adolescent girls, it is important to consider that this group differs from other offenders due to their unique social, psychological, and physiological characteristics. Factors such as virginity, marital status, pregnancy, or family caregiving responsibilities play a significant role in determining the type and severity of punishment. These factors significantly affect the mental and physical well-being of these girls during their punishment. In the criminal justice system, imposing harsh punishments like imprisonment and flogging on adolescent girls without considering these characteristics can lead to irreversible physical, psychological, and social harm. For example, imprisoning girls who are family caregivers places their families at risk of poverty and lack of guardianship, which in itself is a contributing factor to criminal behavior.

Therefore, attention to these characteristics when issuing sentences and carrying out punishments helps protect their human rights and dignity and prevents exacerbating social harm. Below, we will examine the impact of each of these factors on the execution of punishment.

Susceptibility:

Adolescent girls, due to their unique psychological and physiological characteristics, are more influenced by their environment than adolescent boys and even adult women. This difference arises from the sensitive period of growth and hormonal changes that occur at this age. Adolescent girls, especially when faced with new or high-risk environments, are more susceptible to social and environmental factors and may imitate harmful or improper behaviors from others. Compared to adult women, adolescent girls are less capable of fully managing their emotions and making logical decisions, making them more vulnerable. This immaturity in their cognitive and emotional processes makes them more susceptible to psychological harm when facing social pressures. As a result, their susceptibility to environmental influences is much greater than that of adult women, especially when they are placed in harmful or high-pressure environments.

In conclusion, flogging may be a better alternative to imprisonment, as it is a short-term punishment that does not place girls in direct contact with criminal individuals. When considering imprisonment, we must take certain factors into account. As we have discussed, teenage girls are highly impressionable during this stage, and statistics show that the most common crimes among teenage girls in juvenile detention centers are deliberate assault and theft. This indicates that a prison environment is not suitable for teenage girls, as ultimately, exposure to this environment increases their delinquency by teaching them new ways of committing crimes through interaction with other offenders.

Virginity and Sexual Abuse:

Regarding the implementation of imprisonment and flogging for delinquent teenage girls, it is important to note that the likelihood of sexual abuse is relatively similar for both virgins and non-virgins; however, each carries different consequences. Flogging as a punishment is generally considered safer than imprisonment, particularly for virgin girls, as it is usually

carried out in a controlled and supervised environment with specific conditions in place. These conditions include conducting the punishment in a private location, having a female officer execute the sentence, ensuring appropriate attire during the procedure, and prohibiting the presence of men. It can be argued that the risk of sexual abuse is effectively eliminated in this form of punishment, and virgin teenage girls are not exposed to issues such as the loss of virginity. If the sentence is carried out in a specific public setting where, according to legal provisions, the presence of men does not prevent the execution, although it imposes greater psychological pressure on teenage girls, it does not result in sexual abuse. This is because, during the public execution of the sentence, the teenage girl must wear appropriate clothing.

In the case of imprisonment, the situation is somewhat different. One of the major drawbacks of incarceration for teenage girls is the deep psychological fear associated with entering a prison environment, with sexual abuse being a significant concern. In prisons, due to inadequate supervision and the presence of other offenders, the risk of sexual abuse is considerably high. This risk affects both virgin and non-virgin girls equally but with differing consequences. Virgin girls may experience intense anxiety and fear of losing their virginity, which holds particular importance in traditional cultures like Iran. This concern exacerbates psychological harm, hinders their rehabilitation process, leads to numerous negative outcomes for the individual, and can even complicate the prospects of marriage for virgin girls.

For non-virgin girls, although the issue of losing their virginity is not a concern, experiencing sexual abuse in prison can significantly exacerbate psychological disorders, such as post-traumatic stress disorder (PTSD). Additionally, these girls may face social and familial difficulties after release, as society and even their families often perceive them as either victims or culprits. In some cases, they might experience sexual abuse from cellmates or fellow inmates within the correctional facility, and in rare instances, even lose their virginity. Such experiences impose severe psychological pressure on the girls, potentially leading to extreme outcomes, including suicide.

Marriage:

Flogging, unlike imprisonment, does not involve formal procedures and is temporary, which results in fewer negative impacts on the future marriage prospects of teenage girls compared to incarceration. The negative effect of imprisonment on marriage stems from the social stigma associated with a criminal record, whereas flogging, though painful, does not label the teenage girl as a prisoner. As a result, her image and reputation, as well as that of her family, remain intact in society. This is particularly important in traditional communities, where the social image of a teenage girl plays a significant role in her selection as a potential spouse, and a prison record can tarnish that image. Additionally, the likelihood of a delinquent teenage girl being rejected by society and her family is lower when flogging is imposed as a punishment. This is because fewer people are aware of her criminal behavior, and society does not label her with a specific stigma. This lack of awareness helps preserve her chances of starting a family, as the punishment causes less harm to her family's reputation.

However, in the case of imprisonment, the minimum sentence for teenage girls in a juvenile detention center is three months, and the likelihood of them being ostracized by society and their families is higher. Moreover, these girls are typically virgins and unmarried, and their chances of starting a family are significantly reduced. As mentioned earlier, imprisonment carries a social stigma, and crimes with higher degrees or specific offenses are often punished with heavy prison sentences. As a result, the impact of these crimes and the execution of imprisonment creates a much stronger psychological burden on individuals in society. Furthermore, prison is an environment lacking emotional security and support, which leads to

psychological harm such as depression and anxiety, ultimately affecting the girls' ability to form healthy relationships, marry, and have children.

For married girls, imprisonment may distance them from their families, and after their release, the social stigma and the label of having been incarcerated can create physical and emotional separation from their spouses. This can damage their role as mothers and decrease the likelihood of repairing their marital relationships, potentially leading to divorce. Moreover, the prison experience can shift their perspectives toward more negative views, and they may struggle with decision-making in the future due to a decline in self-confidence. For these reasons, imprisonment causes irreparable harm to the personal and family lives of married girls.

Education:

For unmarried delinquent teenage girls who attend regular day schools, flogging does not hinder their ability to continue their education without interruption. Flogging does not disrupt this process, meaning the individual does not experience academic decline or dropout, and her connection with the educational environment is maintained, preventing social stigma at school. This, in turn, preserves future employment opportunities, as education is one of the most important factors for success in future careers and social life.

For married teenage girls, there is a possibility that they may have already dropped out of school after marriage. In this case, flogging has no impact on their educational progress. However, many married teenage girls are highly motivated to continue their education for the advancement of their own and their families' lives. As a result, they often turn to evening schools or specialized educational programs to balance both their studies and family responsibilities. Therefore, as previously mentioned, flogging, compared to imprisonment, does not interrupt their educational progress, and they do not become disconnected from their academic schedules. Regarding education and imprisonment, it should be considered that a delinquent teenage girl likely attended regular day schools, and if sentenced to imprisonment, she will face difficulties in continuing her education. Imprisonment has a direct negative impact on the continuation of education for teenage girls. The environment of the detention center not only isolates them from the educational environment and schools but also leads to the loss of academic years and interruptions in their educational journey. Many of these girls are deprived of access to appropriate educational resources in prison, which results in academic setbacks and even dropout. On the other hand, girls in prison, due to psychological and social pressures, often lose their motivation and interest in studying. Long-term imprisonment prevents them from focusing properly on their educational and professional futures, and may even increase their motivation to reoffend or learn other criminal behaviors.

Additionally, the quality of education in some juvenile detention centers is inadequate, as it focuses primarily on preparing offenders to pass exams. As a result, teenage girls have fewer educational opportunities compared to those attending regular day schools, which leads to a decline in their academic level. On the other hand, if a married teenage girl is sentenced to imprisonment, the educational process at the detention center becomes problematic for her as well, especially since she had been studying in evening schools before her imprisonment.

In the end, flogging offers a greater chance for girls to promptly resume their education and return to school, as it is executed more quickly than imprisonment. When administered properly and according to the established guidelines, this form of punishment allows the individual to re-enter normal life and their educational path shortly after undergoing a brief period of physical punishment. Ultimately, because flogging, unlike imprisonment, does not have long-term social and psychological consequences, it helps teenage girls regain their motivation to continue their education and quickly return to their academic path.

Education:

Regarding delinquent unmarried teenage girls who are enrolled in daily schools, the execution of flogging does not prevent the individual from continuing their education without interruption. Flogging does not disrupt their academic progress, and as a result, the individual does not experience academic decline or drop out of school. Their connection with the educational environment remains intact, which helps avoid social stigmatization in school. This, in turn, preserves future employment opportunities, as education is one of the most critical factors for success in future careers and social integration.

For married teenage girls, there is a possibility that they might drop out of school after marriage. However, many married teenage girls remain highly motivated to continue their education to improve their own lives and the lives of their families. As a result, they often turn to evening schools or specialized education programs to balance both their educational pursuits and family responsibilities. Therefore, as previously mentioned, flogging, compared to imprisonment, does not interrupt their educational process, and they remain engaged with their academic programs.

Regarding education and imprisonment, it must be considered that a delinquent teenage girl was likely enrolled in a daily school program before being imprisoned. If she is sentenced to imprisonment, she will face difficulties continuing her education because imprisonment has a direct negative impact on the education of delinquent teenage girls. The prison environment not only isolates them from their educational settings but also results in the loss of academic years and disruption in their academic progress. Many of these girls are deprived of adequate educational resources while incarcerated, which leads to academic setbacks and even dropout. Additionally, due to psychological and social pressures, their motivation and interest in continuing education often diminish. Long-term imprisonment prevents them from focusing properly on their academic and professional future, and may even increase their motivation to engage in criminal activities and learn new crimes.

Moreover, the quality of education in some correctional centers is inadequate, and these centers often focus solely on preparing delinquents for exams. As a result, teenage girls in such institutions receive fewer educational opportunities compared to those attending daily schools, leading to a decline in their academic performance. If a married teenage girl is sentenced to imprisonment, considering that she had been attending evening schools outside the prison, the educational approach in the correctional center also creates difficulties for her.

Ultimately, flogging, compared to imprisonment, offers more opportunities for teenage girls to quickly return to school and continue their education. If flogging is properly executed and follows the necessary guidelines, the individual can return to normal life and school soon after completing the short period of physical punishment.

In conclusion, since flogging does not have the long-term social and psychological consequences that imprisonment does, it helps delinquent teenage girls regain their motivation to continue their education and quickly get back on track with their academic pursuits.

Pregnancy:

Pregnancy is a sensitive period in which the physical and mental health of the mother directly impacts the development of the fetus. Pregnant girls require a calm environment, free from stress. Being in prison and facing difficult conditions places severe physical and psychological pressures on them, which can pose serious risks during pregnancy. In addition to the aforementioned conditions, factors such as how prison staff interact with women contribute to

their emotional distress. These individuals are often viewed in the public eye as antisocial, lacking in feminine qualities, and even childish in behavior (see: Danesh, 1368, pp. 70–90). Aside from this issue, imprisonment separates the pregnant mother from her family and support network. This separation leads to social isolation and a decrease in emotional support, which is detrimental during pregnancy. Flogging, however, does not involve prolonged separation and can help address this problem.

However, a pregnant delinquent teenage girl sentenced to imprisonment in a juvenile detention center receives special care, such as being exempt from solitary confinement or having access to a proper diet. In contrast, with flogging, due to the short duration of the punishment, the pregnant girl can continue her self-care. If the flogging is carried out in accordance with religious and health guidelines, its effects are temporary, preventing long-term stress. Furthermore, if a delinquent teenage girl is pregnant and sentenced to flogging, the punishment is postponed during her pregnancy and for a maximum of two years afterward, allowing her to care for her child until the child reaches the age of two. In most cases, she can also provide support for her child immediately after the punishment is carried out.

Regarding the execution of imprisonment, according to Article 11 of the Juvenile Rehabilitation Center Regulations, a delinquent teenage girl can benefit from services such as access to medical and psychiatric specialists. Imprisonment is an inappropriate punishment for a delinquent teenage girl who is a mother because she does not have access to adequate medical care in the detention center. Furthermore, due to her younger age compared to adult women, she experiences more psychological and emotional stress. On the other hand, her physiology is less stable than that of adult women, and since pregnancy occurs at a young age, she faces a high-risk pregnancy. Considering the lack of medical resources in the facility, the risk to both the child and the mother is greater. If the pregnancy results from illicit relationships, the teenage girl may opt for abortion, in which case the special care for pregnant women does not apply to her. However, it should be noted that after an abortion, if she has not fully recovered physically, she should remain in the hospital, and efforts should be made to prevent her transfer back to the center. While in the center, she can still participate in psychotherapy sessions and other forms of treatment.

In conclusion, the execution of flogging for pregnant delinquent teenage girls, considering their unique physical and psychological circumstances, is more appropriate than imprisonment. This punishment helps preserve the health of both the mother and the fetus, avoids social stigma, and minimizes psychological harm. Both practically and legally, it is considered a more suitable option.

Head of the Family:

In some cases, a delinquent teenage girl may become the head of her family due to various reasons, such as the addiction or imprisonment of one or both parents. This situation, before the age of 18, can increase the likelihood of her engaging in criminal behavior, as it appears that such individuals may resort to crime to meet their financial needs. In this section, we will examine the impact of imprisonment and flogging on delinquent teenage girls who are heads of their households.

A teenage girl who assumes the role of head of the family may commit crimes to provide for herself and her family. This is especially true for crimes related to sexual offenses, such as adultery, prostitution, or same-sex relations, in exchange for financial gain, or for committing theft.

In such cases, if she is sentenced to flogging, this punishment, which can be both a deterrent and a corrective measure depending on the legislator's objective, may be effective in preventing recidivism among this specific group. Moreover, flogging allows the teenage girl, as the head of the family, to return quickly to her normal life and work after serving her sentence. This helps prevent her from committing crimes again to earn a living and also ensures that her family is not financially burdened, thus preventing them from committing crimes as well.

For teenage girls who are heads of their households or have family responsibilities, flogging can be an alternative punishment that allows them to serve their sentence without enduring long-term imprisonment, enabling them to quickly return to their normal lives. This is particularly relevant in societies where traditional gender roles are still prominent. Teenage girls who take on the role of head of the family bear heavy, typically male-dominated responsibilities, and imprisonment may expose them to greater social stigma, especially in communities where traditional views on gender roles are prevalent. This issue is even more critical for those who, due to specific circumstances, have been forced to drop out of school and assume family responsibilities.

When teenage girls who are heads of their households are imprisoned for financial crimes such as theft or fraud, their families face significant difficulties, making it hard for them to meet their financial needs, putting them in an even worse financial situation. As a result, there is a greater chance that the teenage girl will re-offend after being released, driven by the need to fulfill financial requirements. This situation exacerbates the cycle of crime, not only for the individual but also for her family.

If a teenage girl who is head of the household is sentenced to imprisonment for non-financial crimes, it can be argued that her motivation for committing the crime stems from intense anger and a desire for revenge against herself or society, arising from social, economic, familial, or cultural pressures. Crimes such as rebellion and intimidation are examples of this category. In these types of crimes, imprisonment may have a more intimidating effect; however, it is crucial to ensure that the individual undergoes psychotherapy and education during the sentence to prevent the punishment from exacerbating her anger or leading to recidivism. Additionally, during the execution of the punishment, her family mustn't face financial hardships. If they are not supported, the risk of further criminal behavior within the family increases.

Based on the Crimes:

In the previous section, we examined how the effects of imprisonment and flogging on delinquent teenage girls vary according to their specific age, psychological, and social characteristics. We saw that factors such as educational and family background, as well as mental and physical health, play a significant role in determining the most appropriate form of punishment for these individuals. However, the type of crime is also a key component in selecting the punishment.

Teenage girls who commit violent crimes, due to the serious and dangerous nature of their behavior, may require different punitive responses compared to those who commit nonviolent crimes. In this context, it is crucial to examine the impact of imprisonment and flogging based on the type of crime to ensure that a fair and proportional approach is taken. This will both provide the necessary deterrence and prevent unnecessary harm to this vulnerable group.

Therefore, in the following, we will analyze the impact of imprisonment and flogging on teenage girls, considering the differences between violent and nonviolent crimes. This analysis will help provide a better understanding of the proportionality of punishment to the type of crime and offer more effective strategies for behavior correction and crime prevention.

Violent Crimes:

Violent crimes include behaviors that individuals or groups perpetrate against themselves or others, threatening social and collective security. These acts may manifest in various forms—physical, economic, political, social, or cultural—such as murder, assault, and terrorism. If a delinquent teenage girl commits this category of crimes, she may, depending on the circumstances, be sentenced to imprisonment, flogging, or retaliation (retribution).

According to research, the violent behavior of teenage girls is often linked to their childhood experiences, during which they may have endured physical, emotional, psychological, or sexual abuse. These experiences significantly impact their criminal behavior, particularly in committing violent crimes, during adulthood.

Let us examine the punishments of imprisonment and flogging for teenage girls committing violent crimes:

When a teenage girl commits crimes such as those outlined in Articles 669, 617, and 547, flogging alone is insufficient. Their motivation for such crimes, based on Lombroso's biological theory of female deviance, often stems from revenge and jealousy. Flogging is not a suitable disciplinary punishment in these cases. Psychological studies indicate that moments after taking revenge, a sense of reward activates in the brain. However, this act, instead of reducing hostility, prolongs the bitterness of the initial grievance. Teenage girls are at a particularly sensitive age, and according to statistics, conduct disorders, schizophrenia, and anxiety disorders are highly prevalent in this age group, especially among girls. Consequently, flogging does not serve as an effective punishment for them. Flogging, being a swift punishment, has less deterrence than imprisonment in violent crimes because it leaves no room for self-recovery. Considering the psychological vulnerabilities of teenage girls, the likelihood of them committing more severe crimes increases after flogging.

It is also important to note that teenage girls who commit violent crimes are often influenced by environmental and cultural factors, such as domestic violence or societal norms. However, flogging can, in some cases, be preferred over imprisonment for the following reasons:

1. **Corrective Effect in Cultures Intolerant of Violence:** In societies where violence is unacceptable, flogging serves as a swift punishment, delivering a clear message to the teenager that violent behavior carries consequences. Unlike imprisonment, which may exacerbate violent tendencies, flogging reinforces societal boundaries.
2. **Avoiding Exposure to Violent Role Models in Prison:** Teenage girls in prison are exposed to more dangerous individuals and professional violent offenders. Such encounters often normalize violence as a survival tool or a new norm. By avoiding incarceration, flogging eliminates this risk and redirects rehabilitation toward constructive behavior.
3. **Reinforcing Social and Gender Identity:** Teenage girls who commit violent crimes often conflict with societal expectations for women to play non-violent, supportive roles. Swift punishment like flogging allows them to return to their social identity without the stigma of imprisonment.

As a result, it appears that issuing a judgment in such a sensitive situation requires collaboration between judges and psychologists. This collaboration should be based on psychological analysis and the examination of the delinquent teenage girl's personality and circumstances, to impose the most appropriate punishment. Such a punishment, while having the necessary disciplinary effect and preventing recidivism, should cause minimal harm to the individual's mental health, family, and education.

A teenage girl has been sentenced to imprisonment due to crimes such as offenses against internal and external security and rebellion, and she is transferred to a juvenile rehabilitation center. There, with the presence of specialized psychologists and appropriate workshops and training programs, there is an opportunity for the delinquent girl to recover. As mentioned earlier, due to the higher likelihood of certain psychological disorders at this age, the rehabilitation center also focuses on correcting and treating these issues. Another noteworthy point is that imprisonment for such crimes has a stronger deterrent effect and more disciplinary impact than flogging. Furthermore, according to the motivation behind violent crimes, which according to Lombroso's theory are often driven by revenge and jealousy, and the cycle of vengeance, it can be said that when a teenage girl is sentenced to imprisonment, her chances of rehabilitation are greater. As a result, the likelihood of reoffending decreases, which in turn enhances social security.

Nonviolent Crimes:

In nonviolent crimes, the offender generally believes that they will not face their victim directly and will cause no harm to them. Nonviolent crimes can broadly be categorized into two groups: financial crimes and sexual crimes, including theft, fraud, illicit relationships, drug use, and alcohol consumption. In nonviolent crimes, such as moral offenses or minor thefts, teenage girls often commit crimes due to poverty, social pressures, or lack of family support. In such cases, considering the reasons mentioned, flogging is more effective than imprisonment due to lesser psychological consequences, such as avoiding the severance of family support, reducing moral stigmatization, and preserving educational and social opportunities.

In cases like Articles 263 and 637, it is often incorrect to say that a teenage girl committed these crimes with specific intentions, such as revenge, jealousy, or the intent to harm others, according to Lombroso's theory. Therefore, considering the psychological characteristics of girls at this age, such as a possible lack of self-confidence, low self-esteem, or the presence of borderline disorders, the psychological impact and deterrent effect of flogging are sufficiently influential to prevent them from repeating the crime.

Additionally, in crimes punishable by flogging, the motivation to secure financial gain is often minimal. The teenage girl likely committed these crimes because of her impressionable age, peer pressure, or environmental influences. Hence, it can be said that flogging is an appropriate deterrent punishment for them, especially if they have no prior criminal record.

For another category of crimes, such as those under Articles 612, 268, and 651, the majority of offenders are financially motivated, and based on the law and the severity of the crime, they are sentenced to varying degrees of imprisonment. However, in the case of teenage girls, if they are not the head of their family, they mostly commit crimes like theft out of a sense of novelty and excitement. It can be concluded that the motivations of adult women for committing these crimes differ and are often financial gain or revenge. In terms of sexual crimes, teenage girls are predominantly more impressionable and influenced by media, peers, schools, and similar factors, leading them to commit such offenses. In juvenile detention centers, there are educational and religious classes as well as psychologists and psychiatrists specializing in this area. The presence of teenage girls in these environments helps them manage their emotions and strive toward achieving their potential.

However, alongside the benefits of such centers, the presence of a large number of girls who are mostly sent there due to financial or sexual crimes increases the likelihood of further delinquency after completing their sentence or even during their time in the center. This is because professional criminals and dangerous individuals are often present in these facilities, which significantly increases the possibility of repeated crimes, either within the center or

outside it. As a result, it can be stated that the risk of them committing more severe crimes is very high. Therefore, as mentioned, judging such individuals requires a high level of sensitivity.

CONCLUSION

From the discussions above, it can be concluded that in the case of adolescent girls, considering both internal factors like genetic and biological influences, mental disorders, and external factors such as social, political, and religious structures, as well as the culture of the society, flogging is often more suitable and has a greater impact than imprisonment. However, in some instances, such as for violent crimes and certain non-violent offenses, flogging may not be sufficiently effective. Ultimately, while flogging is inherently a physical punishment, it can become an effective rehabilitative tool when taking into account the psychological and social circumstances of this group. For violent crimes, flogging may help adolescent girls return to non-violent behavior more quickly, and for non-violent crimes, it can spare them from the long-term, harmful effects of imprisonment. If carried out with respect for human dignity and psychological considerations, flogging can prevent the harms associated with imprisonment while aiding in behavior correction and successful reintegration into society. Policymakers should consider restorative justice programs and educational counseling as complementary measures to ensure the rehabilitative goals are met. In general, using flogging instead of imprisonment in specific cases provides adolescent girls with an opportunity to rebuild their lives and exit the cycle of delinquency, while long-term imprisonment may expose them to greater risks and make reintegration into society more difficult. On the other hand, imprisonment carries greater social stigma, leading to more challenges for the individual in areas such as employment, education, travel, and marriage after completing their sentence. Therefore, it is advisable to avoid sentencing adolescent girls to imprisonment, to the extent allowed by religious guidelines, laws, and the discretion of the judge. Alongside flogging, educational and therapeutic programs, such as anger management, social rehabilitation classes, and mandatory participation in these programs, should be considered to facilitate their reintegration and personal growth.

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