

Operational Roles of Lawyers in the Implementation of Restorative Justice: An Approach for Iranian Criminal Policy

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ABSTRACT

Conventional criminal justice faces persistent difficulties, including prison overcrowding, high recidivism, and an inability to repair the harms suffered by victims and communities. Restorative justice has consequently gained importance as an alternative or complementary paradigm centered on offender accountability, victim reparation, and active stakeholder participation. Its effective implementation, however, requires the purposeful engagement of legal professionals, especially lawyers. Using a descriptive-analytical method and library sources, this article identifies four operational roles for lawyers in Iranian restorative processes: restorative facilitation, restorative-oriented representation, management and drafting of restorative agreements, and supervision of implementation. Although the adversarial identity of traditional advocacy can conflict with the cooperative philosophy of restoration, this tension is not insurmountable. Professional reorientation, specialized skills, ethical safeguards, and appropriate legal, judicial, and educational infrastructure can activate the considerable capacity of lawyers to improve existing restorative mechanisms and advance a more humane and effective criminal policy in Iran.

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Introduction

Punitive and adversarial criminal justice systems have struggled to reduce recidivism, control the social costs of imprisonment, or respond adequately to the emotional, material, and relational needs created by crime. Iranian criminal policy has begun to incorporate mediation, alternatives to imprisonment, and settlement-oriented mechanisms, but these institutions cannot become fully restorative through legislation alone. Lawyers occupy a strategic position because they possess legal knowledge, communicate directly with parties, and can translate agreements into enforceable forms. The principal question is which practical functions lawyers may perform during restorative proceedings and what conditions make those functions legitimate and effective.

Methodology

The article uses descriptive and critical content analysis of restorative-justice scholarship, Iranian legal instruments, and professional literature on advocacy and mediation. It distinguishes operational roles performed inside a case from broader systemic activities such as lobbying, public education, or legislative reform. Each role is evaluated against restorative principles, the duties of loyalty and confidentiality, party autonomy, procedural fairness, and the institutional conditions of Iranian criminal justice.

Literature Review

Extensive literature explains the philosophy, objectives, and principal models of restorative justice, while other studies address judges, police officers, and neutral mediators. Research on lawyers usually treats them as conventional representatives of victims or accused persons or discusses their broad contribution to reform. Less attention has been paid to the differentiated roles a lawyer may assume at successive stages of a restorative process. This gap is especially important in Iran, where the practical success of mediation and reconciliation frequently depends on professionals who understand both legal consequences and consensual problem-solving.

Findings

Four roles emerge. As a restorative facilitator, a properly trained lawyer may structure dialogue, identify interests, and protect balanced participation without dominating the parties. As a restorative-oriented representative, counsel protects the client while explaining the benefits and risks of acknowledgment, apology, restitution, and negotiated outcomes. As manager and drafter of the agreement, the lawyer converts commitments into clear, lawful, proportionate, feasible, and enforceable terms. Finally, as implementation supervisor, counsel monitors deadlines, verifies performance, addresses unforeseen obstacles, and communicates with judicial authorities where approval or modification is required.

Discussion

The adversarial conception of advocacy is not wholly compatible with restorative practice, but the lawyer need not cease to be a lawyer. The professional task must be recalibrated from victory at any cost toward informed choice, harm reduction, lawful accountability, and durable resolution. Role separation and disclosure are essential: a lawyer who represents one party should not present himself as a neutral facilitator, and a facilitator must manage conflicts of interest. Training in communication, trauma awareness, negotiation, power imbalance, and restorative ethics is therefore as important as knowledge of criminal law.

Conclusion

Lawyers can become central operational actors in restorative justice through facilitation, restorative representation, agreement management, and implementation supervision. Realizing this capacity requires explicit professional standards, judicial referral protocols, specialized training, ethical rules on neutrality and conflicts, and recognition of restorative work in legal education and bar practice. These reforms would strengthen existing Iranian mechanisms, safeguard parties against informal coercion, and help shift criminal policy from exclusively punitive intervention toward accountability, reparation, and social reintegration.

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