

A comparative study of alternative penalties and imprisonment in the penal system of international criminal law

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Abstract Non-custodial penalties should be considered as the movements that are called the movement of unprisoning. By entering the Era of enlightenment, especially after French revolution, corporal and cruel punishments gradually were left out in the criminal arsenal and a punishment was replaced named prisoning. However through the time and by appearing of the shortcomings in this type of penalty, the perspectives about imprisoning the convicts were gradually changed. Hence, the effort to exploit other types of penalties such as non - custodial penalties as alternatives have become noteworthy for different countries and legal systems. The problems of imprisonment have also been considered very seriously by Iranian officials and some measure have been taken to reduce criminal population and to use the alternative choices to the sentence of imprisonment. At the international level,the important issue, which we try to clarify its different dimensions, is the state and position of the imprisonment penalty among present international penalties and the probable problems to implement it as an international penalty. The ongoing collection is the result of the efforts to study the ineffectiveness of the imprisonment penalty and its negative and adverse consequences as well as the necessity to resort to substitute penalties instead of imprisoning which doing so, today, is a concern for many legal systems. This collection, in spite of considering the existing features of these penalties, it also deals with obstacles ahead, and with the importance of building an infrastructure and executive mechanisms. **Key word:** Prison, Non-custodial, Criminal justice system, Correction and rehabilitation, International Criminal Court

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