

INVESTIGATING IRAN'S LEGISLATIVE CRIMINAL POLICY ON DISTURBING CRIMES IN THE ECONOMIC SYSTEM: CRITICALLY ASSESSING THE LAW "PUNISHMENT FOR VIOLATORS OF THE COUNTRY'S ECONOMIC SYSTEM"

INVESTIGANDO A POLÍTICA CRIMINAL LEGISLATIVA DO IRÃ SOBRE CRIMES PERTURBADORES NO SISTEMA ECONÔMICO: AVALIANDO CRITICAMENTE A LEI "PUNIÇÃO PARA VIOLADORES DO SISTEMA ECONÔMICO DO PAÍS"

Seyyed Ali AlHosseini 1

Saeid Hakimiha 2

Seyyed Ali Jabar Golbaghi Masole 3

Abstract: What has become known as economic crime today is severely damages the economic system of each country as well as the international economic system of production, distribution, transportation, consumption and money. Therefore, countries are trying to reduce the amount of crime committed to the extent that it is tolerable through criminalization and punishment. This article seeks to examine Iran's criminal justice policy in preventing and combating crimes that disrupt the economic system. The research method in this article is descriptive and library method is used to collect the data. Overall, Iran appears to have a variety of laws in place to combat the detrimental crimes of the economic system, some of which are considered progressive and progressive. However, the dissemination of existing laws and criminalization by non-competent authorities in the legislation on economic crimes is one of the challenges in face of the country's legal system.

Keywords: economic crime, economic system, criminal policy, punishment for violators .

Resumo: O que hoje se tornou crime econômico hoje prejudica gravemente o sistema econômico de cada país, bem como o sistema econômico internacional de produção, distribuição, transporte, consumo e dinheiro. Portanto, os países estão tentando reduzir a quantidade de crimes cometidos na medida em que sejam toleráveis por meio de criminalização e punição. Este artigo procura examinar a política de justiça criminal do Irã na prevenção e no combate a crimes que perturbam o sistema econômico. O método de pesquisa neste artigo é descritivo e o método da biblioteca é usado para coletar os dados. No geral, o Irã parece ter uma variedade de leis em vigor para combater os crimes prejudiciais do sistema econômico, alguns dos quais são considerados progressivos e progressivos. No entanto, a disseminação das leis existentes e a criminalização por autoridades não competentes na legislação sobre crimes econômicos é um dos desafios diante do sistema jurídico do país.

Palavras-chave: crime econômico, sistema econômico, política criminal, punição para infratores.

PhD in Criminal Law and Criminology, Lahijan Branch, Islamic Azad University, Lahijan, Iran Email:s.a.hosseini@gmail.com | 1

Associate Professor, Faculty of Social Sciences, Imam Hossein University, Tehran, Iran Corresponding Author Email: s.hakimiha@gmail.com | 2

.Assistant Professor, Department of Law, Lahijan Branch, Islamic Azad University, Lahijan, Iran Email:ali.golbaghi@gmail.com | 3

Introduction

Legislative criminal policy encompasses a set of anti-crime measures that are enshrined in law and guaranteed to be implemented safely, such as legal enforcement. This type of criminal policy, while it has legal competence, is the benchmark of its other types and reflects the general principles governing the criminal system of a society. The legislative criminal policy is of two types. Sometimes it focuses on the perverse or criminal act and sometimes emphasizes the character of the perpetrator and the perpetrator of the perpetrator's criminal or perverse act (Mir-Ahmmadian, 2009: 16). Economic crime, on the other hand, is one of the new concepts of modern society that has raised concern over the threats to the stability and security of societies, traditions and values of democracy, moral values and justice, sustainable development and the rule of law. Warnings about these dangers and their reference to society and in particular the government, in Iran were initially circulated by academic circles. But the concept of the concept was first introduced in the West in 1905, when a Dutch criminal saw the distinction between street crime and economic crime. As a result, these criminals, as well as their perpetrators, have attracted the attention, deliberation and study of criminologists. Since economic crime is not a specific concept of criminal law, it is not easy to define and describe in terms of scope, diverse range of offenses related to the perpetrator, his professional activity, protected economic interest, and so on. However, there are various definitions. Nicolas Claw, a Swiss lawyer and criminologist, considers economic crime a public concept that involves a set of crimes that damage the economic order or system of business and business relations in a society and is usually within the scope of a business or business. Manage it (corporate crime). According to this definition, there are two types of offenses:

First: economic crimes against government regulation, ie criminal activities against the state economy, banks, markets, competition (public funds (taxes, customs, etc.)), consumer protection and the environment.

Second: Business and commerce offenses - the set of offenses committed in the business and business world that are usually committed by professional professionals and violated by law in business relationships such as anti-competitive practices, abuse of trust and good faith (Queloz, 1999, P.17).

The destructive effects of economic crimes in our country have led to the enactment and enforcement of many laws. To the extent that Ayatollah Ali Khamenei in his eight-member decree reminded the three chiefs of the importance of combating economic corruption. The decree dated 2001/4/30 called upon the three leaders to form the Anti-Corruption Campaign to prioritize this.

Thus, economic crime is one of the major damages that threaten the economic security of the country. On the basis of this, our country is trying to reduce these crimes to an intolerable level by adopting strict laws. To this end, this essay seeks to examine Iran's legal criminal policy against the detrimental crimes of the economic system. The explanation is that, first; we will briefly review all the laws and approvals in this area that have been developed by legislative and sometimes other authorities. Then, with a view to analyzing the violations of the penal code of the economic system of the country adopted on 1990/12/10 and the accession adopted on 2005/1/4 in particular, in this way, the strengths and weaknesses of this law will be analyzed along with the existing administrative challenges.

First Speech: Laws on Combating Crimes against the Economic System In the Iranian criminal system, the Expediency Council, the executive branch, and the judiciary find the rule of law. Each of these three bodies has adopted several laws against economic corruption that can be addressed in the following order:

Approvals of the Islamic Consultative Assembly

The legislative assembly, as the legislative body before and after the Islamic Revolution, has enacted many laws to combat economic crimes. These include the following:

1. Law on the Prohibition of Obtaining Foreign Exchange Portions adopted 1993/7/18
2. Penal Code on Government Transactions adopted 1969/6/9
3. The Penal Code for Imposing Infiltration contrary to the law and regulations adopted

December 1974

4. The Trade Union Law adopted on 2004/3/14 and the Amended 2013/9/3
5. The Penal Code of Intensification of Criminals and Sellers adopted 1988/4/12
6. Law on Punishment of Disruptors in the Economic System of the Republic of Iran 1990/12/10 and Amended 2005/01/04
7. Law on Combating Foreign Exchange and Commodity Trafficking Adopted 2012/12/24 and Amended 2015/10/14
8. Anti-Money Laundering Law adopted on 2007/01/22 and amended on 2018/9/25
9. Law on Promoting the Health of the Administrative System and Countering Corruption adopted 2012/05/19
10. Securities Market Law of the Islamic Republic of Iran 2005/11/22
11. Law on Implementation of Article 49 of the Constitution of the Islamic Republic of Iran 1984/08/08
12. Law on Prohibition of Entering More Than One Job Adopted in 1994 and Supplemented 2006/07/28
13. The Islamic Penal Code of Tabriz Section 1996, Articles 518 to 522 on the Cheat, Procure and Promote of coins, Articles 523 to 543 on Counterfeiting, Article 36 and its Note, Paragraphs B 109 and 286, Islamic Penal Code Approved 2012
14. Consumer Protection Act adopted 2009/10/07
15. Law of the Islamic Consultative Assembly on the Implementation of Contracts Implemented on 2002/10/21
16. Law on Tenderers Adopted 2004/04/14
17. Customs Act approved 2012/11/13
18. Monetary and Banking Law of the country approved on 1972/07/09 and amended 2017/07/22
19. Banking Practices of Banking Operations Approved 1983/08/30 with Amendments and Extensions of 1986, 1997/02/18 and 2011/01/20
20. Proposal of 51 articles of parliament to combat economic crime that has not yet been approved.

Approval of the Expediency Council

According to Article 6 of the constitution of the Expediency Council, for the purpose of expediency in cases where the Islamic Consultative Assembly considers the Guardian Council to be contrary to Shari'a or the constitution and the Majlis do not provide or advise the Guardian Council in the interest of the regime. The matters referred to them by the leadership, as well as the other duties set forth in the constitution, constitute the leadership order. However, the Assembly has criminalized the law in two ways:

The first set of laws passed after the dispute between the Assembly and the Guardian Council in the Assembly includes the following:

1. The Law on the Asset Management of Officials, Officials and Brokers of the Islamic Republic of Iran Approved 2012/05/07 Parliament and Adopted 2015/08/09
2. The law on intensification of punishment for perpetrators of bribery, embezzlement and fraud adopted in September 1985 by the Parliament and approved by the Assembly on 9/9/1367.
3. Amending law of the Anti-Money Laundering adopted 2008/01/22 by the Parliament and adopted 2018/09/25 by Expediency Assembly

The second category, the Criminal Laws, which were chaired by the Expediency Assembly (more than 20 titles) without legislative background in Parliament (Habibzadeh, 15: 2004), which can be undoubtedly said to be the major post-revolutionary criminal law that confronts Instances of economic crimes have been approved, approved by the Expediency Assembly (Nourzad, 238: 2010). The most important of these rules include:

1. The law on state sanctions in 56 articles adopted on 1989/03/11.
2. Law amending the law on state sanctions adopted on 2004/10/11.
3. Law on the Application of Government Exemptions on the Trafficking of Goods and

Currency adopted on 1995/05/02 (This law was repealed by the Anti-Trafficking Act of 2013)

4. Decree dated 2001/11/09 on the Interpretation of Article 2 of the Law on the Application of Government Exemptions on the Trafficking of Goods and Foreign Currency (This law has also been repealed).

It seems that the legislative drafting of the Assembly, citing Article 2 of the Constitution is contrary to the philosophy of constituting the Assembly and attacking the legislative field. And it causes a multitude of legislative issues, especially in relation to the second set of approvals that the Assembly has entered without any prior record and the legislature has presided over, neither is there any disagreement between Parliament and the Guardian Council. Leadership is referred to it, not the question of protecting the system's interests against the infidelity front (Shiri, Khani, 2013: 50).

Executive power approvals

Resolution of the Cabinet of Ministers on the Determination of the Terms and Conditions for the Use of Currency No. 61212, dated 1994/05/17,

Implementing Regulations of the Law on the Imposition of Government Exemptions on the Trafficking and Foreign Exchange approved by the Cabinet of Ministers on 2000/06/19,

Implementing Regulations of Article 31 of the Law of Establishment of the Organization of Collection and Sale of Ownership of Property Adopted in 2007;

Implementing Regulations of the Committee on Forestry and Rural Affairs of the Council of Agriculture and Rural Affairs on 1984/01/29

Decree of the Cabinet of Ministers on the Establishment of the Headquarters for the Support of the Market Planning Program on 1994/10/15

The judiciary approves

Pursuant to Clause 85 and Article 3 of Clause 156 on the Constitution, this organ i.e. the legislation is incapable of legislating merit and cannot legislate; however, it may direct or direct instructions for the performance of its internal affairs in accordance with its legal duties To formulate in accordance with the laws approved by Parliament; but such cases should never take or even deviate from the law. However, the practical experience of the judiciary sometimes indicates that it has taken measures not provided for by law to deal with economic crimes. The issuance of two guidelines for investigating economic crimes and the establishment of a dedicated branch of economic affairs is one of the policies of the judiciary, which is done in a law-abiding manner, confirming the above; It is the procedure of the proceedings it is within the jurisdiction of the legislator (Nourzad, 248: 2010), who has no regard for its ratification, notification or enforcement.

Also in 2018, the head of the Judiciary sent a plan to form a special branch dealing with economic abusers to the Revolutionary Court with special powers to Ayatollah Khamenei, which was approved by the plan. The plan, in addition to questioning the defendant's basic rights protected by the principles of human rights documents and principles of criminal procedure, from a perspective that has not passed through the legislature, it is controversial.

Speech Two: Investigation of the Law on Punishment of Disruptors in the Economic System of the Country

Considering the urgency felt in the late sixties to combat the detrimental crimes of the economic system, a law was passed by the parliament on December 28, 1990 under the law "Penal Code for Disruptors in the Economic System of the Country". The law was regulated in two articles, which in the first article are examples of the crime of disrupting the economic system of the country. Following is a review of the law penalizing abusers in the country's economic system by amending and supplementing it (adopted October 14, 2005):

1. Instances of disturbing crime

Article 1 of this law provides for the following offenses:

1. Disrupting the monetary or currency system of the country by major currency smuggling, counterfeiting, or counterfeiting, or importing or distributing them, internally and ex-

ternally, and so on.

2. Disrupting the distribution of public necessities through the wholesale sale of high-value or other public necessities and the high likelihood of such demand or demand and the high demand for agricultural products and other public products and so on in order to create monopoly or deficiency in supply.

3. Disruption of the country's production system through the gross abuse of the unauthorized sale of technical equipment and raw materials on the free market or the breach of its related obligations or the major bribery and/or bribery of production or obtaining production licenses in cases where To become the productive policies of the country and so on.

4. Any attempt to extract cultural heritage or national wealth, although not to expel it, shall constitute smuggling and all property intended for removal from the State shall be deemed to be the subject of trafficking and shall be confiscated for the benefit of the State.

5. The collection of large sums of money by the acceptance of deposits of natural or legal persons under the title of speculation and so on, which may cause misconduct or interference in the economic system.

6. Bonding and organizing measures to disrupt the export system of the country in any form, such as fraud in depositing or payment of foreign currency and fraud in pricing of export goods, etc.

In the Additional Clause 14 January 14, 2005, this clause is also defined as a crime, as "disrupting the country's economic system":

7. Establishment, acceptance of representation, and affiliation with the corporation, institution, company or group in order to generate revenue from the increase of members so that new members gain the benefit of others, and continue the development of the human chain or network.

2. Punishment for disturbing the economic system of the country

Article 2 of the Code states: "Any of the actions mentioned in the provisions of Article 1, if the intention is to attack the Islamic Republic of Iran or to intend to oppose it or knowingly take effective action against it, provided the same as corruption on the ground, the perpetrator will be executed or sentenced to five years to twenty years' imprisonment, and in both cases, the court will order the seizure of all property obtained through unlawful imprisonment. The court can, in addition to both fines and imprisonment, sentence the offender to two to five lashes in public."

Note 2 of this law also punishes the deputies of the state and private economic system violators: In cases where the measures referred to in Article 1 of this Act is taken by a legal person or entities, whether private or public, or institutions, or cooperatives, etc., A person or persons who have publicly or intentionally engaged in or participated in the conduct of such acts, or in any way, in accordance with the provisions of Part 1 or 2 in Article 2 of this Act, the punishment provided for in this Article shall be punishable, and in such cases, the administrator/s or inspectors or inspectors or authorities in general or authorities concerned who are in any way informed of any or all of the measures in question shall be obliged to prevent or Making people or officials able to prevent such actions to take prompt and effective action and those who refuse to perform the duties set forth in this Note or to assist in the silence of the crime by their silence shall be deemed to be the Deputy Criminal Officer and shall be punished, as the case may be, by the Deputy Criminal Officer.

Note 5 also states: "None of the penalties provided for in this law shall be suspended, nor shall the execution, financial penalties, and permanent deprivation and discharge of public services and institutions through the courts be reduced or reduced."

Speech Three: The Law's Defects and Ambiguities

Disrupting the country's economic system is a common title a conviction with its confinement in these crimes in the law of punishment of violators in the country's economic system does not have an approved 1990. Ironically, in addition to the aforementioned law in the Iranian legal system, disturbances to important parts of the economic system have been enacted before the penal code for violators of the country's economic system was adopted that the violation of the fundamental elements of this economic system can cause the economic system

to disrupt all such behaviors is not mentioned in the law. Interestingly, in addition to the aforementioned law, in the Iranian legal system, disturbances to important parts of the economic system have been enacted before the penal code for violators of the country's economic system was adopted that the most important of these laws are the Criminal Code of the Republic of Iran, the Criminal Code of the Year 1941, the Law on Punishment of Disruptors in the Iranian Oil Industry of the Year 1965, the law penalizing violators in water, electricity, gas and telecommunications installations was approved in year 1972 and the law in penalties for violators in approved industries in year 1974.

The dependence of the Iranian economic system on oil revenues makes the oil industry in Iran have a fundamental role in the economic system. In addition, in all economic systems of the railway, water, electricity, gas and telecommunications systems, the infrastructure of the economic system is considered. The industries of each country are also the most important manufacturing sector of the economic system. Therefore, behaviors that are intended to disrupt any of these sectors or actually disrupt any of them are undoubtedly disruptive to the country's economic system. The appearance of a disruption to the economic system limits it to the offenses set forth in the Penal Code for Disruptors of the Economic System, but a rational interpretation and consideration of the economic realities results in the disruption of any of the essential subdivisions of the particular rules. It is a disruption to the economic system.

In examining the law of punishment for abusers in the economic system, it is seen that the more legislated policy is based on coercive and repressive penal measures or, in other words, the same well-known penal penalties and one should not overlook the mere introduction of criminal laws and regulations. Punishment has a preventative aspect. In other words, the legislator establishes criminal laws in order to intimidate and thus prevent crime by individuals in society. Thus, in order to prevent a large number of economic crimes from occurring, we have a great need for appropriate measures and regulations. A favorable criminal policy should pay attention to the issue of delinquency as well as the social response to the crime, as well as the increasing and expanding trend of delinquency, and especially its new forms, which are critical. The penal reform system is threatening severely, with the efficiency and effectiveness of social defense criminal policy being seriously questioned. The increasing slowdown in the quality of new offenses, including violent crime, economic crime, and narcotics, has undermined the prestige of the penal reform movement. Economic crimes have become increasingly complex in relation to industrial development, as economic penal law has become widespread since the beginning of the last century. Therefore, the criminal system, as a measure whose effect on preventing economic crime is not as obvious as criminal penal reform policy, is the last possible avenue for preventing economic crime that is at the very last stage of legislative policy that has at least some benefit. The rapid, short, and rapid blow is undeniable. Therefore, it is necessary, on the one hand, to create committees or sponsoring organizations set up by the consumer them or to defend their interests. And on the other hand, at the international level, and in Europe in particular, the attention that the European Community and the Council of Europe have towards consumer protection ... is to be noted (Pradel, 2002: 55).

Currently, the Islamic Penal Code, pursuant to paragraph (b) of Article 109 and Note 36 of this Law, includes certain crimes such as fraud, bribery, embezzlement, collusion in foreign transactions, money laundering, disruption of the economic system and unlawful seizure of public or private property. A government has cited instances of economic crimes. Failure to provide a clear definition of economic crimes and corruption and ambiguities and legal vacuums in some instances of economic crime may cause problems such as white-collar abuses of legal vacuum, involvement of the judiciary in the legislature, the bailout of civil and criminal penalties in relation to bank debtors and improper treatment of businessmen and investors has been dubbed the "fight against economic corruption." According to Article 2 of this Law, if the aforementioned actions are intended to harm the Islamic Republic of Iran, or to counteract it, or knowingly take effective action against such system, if it is in a state of corruption, the perpetrator is sentenced to life imprisonment of five to twenty years in either case, the court will order the seizure of all property obtained by law as a financial penalty. In addition to fines and imprisonment, the court can sentence the offender to 20 to 74 lashes in public. As it can

be seen, the legislator in this article is merely referring to the corruption on earth, without defining the extent of the crime, and on what criteria the decision to apply the act was made to this criminal title. And the criterion will be also not specified. However, in 2013 the legislator in the new Islamic Penal Code defined the crime of corruption on earth under Article 286. "Everyone commits widespread, crimes against the physical integrity of persons, crimes against internal or external security of the country, false propaganda, disruption of the country's economic system, theft and destruction, the distribution of toxic and microbial substances, and the establishment of centers of corruption or corruption.

A corruptor on earth is sentenced to death and is sentenced to death in a manner that causes serious disturbance to public order, insecurity or significant damage to the physical integrity of individuals or public and private property or to the widespread corruption and prostitution. Mentioning generic and ambiguous terms, titles, and terms without providing meaning and scope that, in many cases, give the judges wide-ranging interpretations: For example, in clause (a) of Article 1, Article 2 of the Law on Disturbing Economic Systems, Trafficking Most of the currency is either currency coinage or banknote counterfeiting or importing or distributing them, both internally and externally, and so on. In this paragraph, the legislator has referred to terms and expressions, without prejudice to its meaning and scope, such as disrupting the monetary or currency system of the country in what the law means and what it means to disrupt. Also, major trafficking has no definition and no criteria for distinguishing major from non-major. Article 8 (b) is also full of ambiguous terms whose definition and scope and conditions are not known, such as disturbance, misconduct, etc. Article (3) pertains to the punishment of those who violate the country's production system, which is a general and ambiguous title 1 Article (f) of the said Act, in determining the other case, states the binding and institutional action to disrupt the export system, etc. It has a wide range of ambiguous and interpretable terms. It is also unclear why the law does not prohibit bondage action in other sections of the law, and it is unclear what the law is if the actions of this section are other than bondage. Despite the involvement of various authorities in the field of lawmaking in the fight against economic corruption, there is still no definition of such offenses in our legal system. And because of the lack of definition of economic corruption and even economic crime in Islamic penal code, it gives rise to various interpretations and meanings that ultimately lead to the lack of transparency that one of the most fundamental challenges of Iran's penal policy against these crimes is leading, so that we can hardly say that there is no single definition of these crimes in our legal sources and even in our doctrine (Mahdavi Pour, 34: 2011). However, the aforementioned crimes are one of the most controversial criminal cases after the revolution and even in the last century. There are currently about two thousand criminal offenses in our criminal arsenal, many of which could have been considered economic crimes before the new penal code was adopted (Shiri, Khani, 2013: 53) but the legislator in clause 109 of Article 2, the Penal Code has specified indirectly (in the form of Article 36, plus fraud) instances of economic crimes in the expression of crimes excluding time. Although it is important to pay attention to this and to identify the cases in and of itself, but given the importance of the issue and the need for transparency for all institutions and individuals in the community, addressing such a sensitive and important issue is referred to in the form. The following is a paragraph in the note to another article in order to explain another sentence other than the definition of economic corruption (publication of sentences and time-lapse rules) or the definition thereof. It shows the legislator's neglect and his disregard for the problems that result. Disrupting the country's economic system includes seven general criminal offenses under the headings: Disrupting the country's monetary and foreign exchange, Disrupting the distribution of public goods, Disrupting the country's production system, Smuggling of cultural heritage or national wealth, Disrupting Syrian companies, disrupting In the export system of the country is the formation of pyramid companies whose legal document is the law adopted 1990/11/30 and the amendment and accession 2005/11/5. Other features of the penal code violators of the economic system of the country can be said: cases referring to crimes that had been criminalized in previous laws and had known and specific criminal titles.

Including: Penal Code for Enforcers of Counterfeiters and Sellers, Approved 1988/04/12,

Penal Code for Punishers and Importers, Penal Code Distributors and Consumers, Punishment for Bribery and Fraud and Fraud Act, 1988, the law on state sanctions adopted on 1989/03/13, and in some cases, the legislature has criminalized new crimes after the passage of the law penalizing the abusers of the country's economic system, such as the Law on the Fight against Currency and Commodity Trafficking enacted on 2013/12/24 and the Amendment on 2015/10/14, the Anti-Money Laundering Act. 2008/01/22 and Amendment 2018/09/25, Islamic Penal Code Section, in 1996, of Articles 518 to 522 on the Heart, Procurement and Promotion of Common Gold and Silver Coins and Articles 523 to 543 on Counterfeiting, Documents Banking etc.

Therefore, it is not only possible to investigate the detrimental crimes of the country's economic system (punishment law for violators of the country's economic system adopted on 1990/12/10), but also other laws and regulations that are directly related to the above criminal cases. Another point is that after its adoption, other laws and regulations have been adopted that are in some cases contrary to the law and make the possibility of explicit or implicit copying of some of them:

1. Does the Law on Combating Foreign Exchange and Commodity Trafficking enacted on 2013/12/24 and the government sanctions law on 1989/03/13 contradict the law on punishing violators of the country's economic system on the subject of foreign exchange and commodity trafficking, and whether these laws are abolished or outdated.

2. In paragraph a of the article - the major smuggling of currency or coinage, heart or counterfeiting or their major importation or distribution, both domestic and foreign, and so on, have been criminalized in this paragraph without mentioning terms or expressions. Attack the meaning and scope of it; just as disrupting the countries monetary or currency system is not clear in the law what it means and what disruption is, there is no definition or criterion for major smuggling, and there is no criterion for a major misstatement. According to the principle of the constitution of the interpretation of law, the duty is legally binding; however, in article one, the legislator also delegates the power of major and grand deliberation to the adjudicating judge, which itself gives rise to multiple and sometimes extensive interpretations.

3. Article B (2) is also full of vague terms whose definitions and terms and conditions are not known, such as disruption, macro and so on.

4. Disturbances in the distribution of public necessity have been criminalized in various ways; the overproduction and the major hoarding of public interest in government sanctions law and other misconduct have criminal characteristics. These include the law of the trade union of the country, the law of intensification of punishment for the perpetrators and so on.

5. In the legal literature, hoarding is a costly endeavor to collect and expect scarcity, scarcity, and selling at a high price, and in Article 2 of the Governmental Adoption Act 1988, it means keeping the goods at large by recognizing the competent authority and refusing to supply it. Expelling or harming the community after the government has declared its need to supply it is unclear what it means to hold the goods in bulk. What is its criterion?

6. Article C (3) also deals with the punishment of those who disturb the country's production system, which is a general and vague title.

7. Unauthorized sales of technical equipment and raw materials are criminal instances of disruption in the production system; each type of product comprises a large volume of different items, and as the legislator fails to mention examples and instances they may be interpreted Be wide (Saki, 393: 2019).

8. The major bribery and bribery of production is another criminal case in the production system, while the laws governing such offenses as Article 3 of the Penal Code for the perpetrators of embezzlement and fraud have been adopted 1988; the intended actions of the legislature are known as bribery; so how can one speak of a crime not originally enshrined in penal code in another law. Also, given that the Iranian legislature's criminal policy focuses solely on the criminalization and punishment of government bribery; therefore, major bribery and bribery can only be covered by the state manufacturing sector.

9. Clause (X) of Article 1, the abovementioned law, in determining the other case, have specified a bureaucratic and organizational action to disrupt the export system, etc., which has a wide range of ambiguous and interpretable terms. It is also unclear why the legislature did

not prohibit bondage action in other sections of the law, and it is unclear what the law is if the measures in this section are other than bondage.

Conclusion

Reviewing the law on penalizing abusers in the country's economic system, this article extracts ambiguities and details, and has previously looked at Iran's legal policy on combating offenses against the economic order. It seems that despite the involvement of various authorities in the field of legislation in dealing with economic corruption, there is still no definition of such offenses in our legal system and due to the lack of definitions of economic corruption and even economic offenses in the Islamic Penal Code, it has caused perceptions and perceptions. There are different meanings this ultimately leads to the lack of transparency, which is one of the most fundamental challenges to Iran's criminal policy against these crimes. It is also difficult to define, as noted above, in various areas such as business criminal law, taxation, consumer protection, the environment, the labor market, and so on. But in any case it is inevitable to provide a definition in support of the values mentioned, as well as in the effective fight against this phenomenon. Also, economic crimes do not exist in Iranian criminal law unless they are substantially introduced. The judge may not have enough power to identify instances of economic crime, as it is the legislator's explanation of the elements and conditions of the commission of the offenses, and the judge will only apply cases and instances to these conditions (Soltani Fard, 2018: 150).

In sum, the most important challenges in the legal field of combating economic crime include:

1. Dissemination of laws and regulations in this field.
2. The diversity of legislative bodies in this regard is too standard. For example, in 2018, without the approval of the Islamic Consultative Assembly, the Judiciary established special branches to deal with economic abusers based on the instruction dated 2018/08/11.
3. Economic crime is not defined in Iranian criminal law. Also, some of the terms and expressions in the law on punishment of violators in the economic system have not been defined. This makes the judge aware of the major disruption to the judge and this has a corrupt tone.
4. The state of the economy slows or stops the cycle of law enforcement.

In the end, it seems that some of the shortcomings in the prosecution and specialized courts can be mitigated by the application of methods and measures such as correct criminalization and elimination of the ambiguities and failures of the penal code in the economic system adopted in the year 1990, abolished legislative criminal policy in this area. In addition, use of preventive measures and practices and the enforcement of remedial programs, approaches to criminalization, criminalization, disqualification and the adoption of comprehensive judicial procedures and the application of trained judges and prosecutors. And familiarity with the economic, monetary and banking issues of dealing with such crimes can be helpful. Another proposal is the adoption of a comprehensive law on combating economic crime. Provided that the enactment of this law will make all laws and guidelines scattered or subordinate to recent law and that economic laws be amended and supplemented. This, of course, requires coordination of the three forces in the first place. However, in 2018 a draft of 51 articles on combating economic crimes was submitted to parliament; this plan has not yet been approved.

References

Habibzadeh, Mohammad Jafar. (2004). "Punishment of Prohibition and its Conflict with the Constitutional Law in the Iranian Constitution", *Journal of Constitutional Rights*.

Habibzadeh, Mohammad Jafar. (2004). Atoma Forouhi, Seyed Derrid Mousavi, "Betrayal of Trust in Iranian Criminal Law", Tarbiat Modarres University Press.

Khani, Ali. (2013). Shiri, Abbas, "The Corruption Criminalization Deficiencies in Iranian Criminal Policy, Karagah Journal.

Mahdavi Pour, Azam. (2011). "Differential Criminal Policy in the Area of Economic Crime", Magazine Publications.

Mirahmadian, Ruhollah. (2009). "Criminal Policy in Combating Trafficking", Hidden Economy, No. 11.

Nouzad, Mojtaba. (2010). "Economic Crimes in Iranian Criminal Law", Jungle Publications.

Pradel, Jan. (2002). Ali Najafi Abandabadi, "History of Criminal Thoughts", Samt Publications.
Queloz Nicolas, Borghi Marco, Cesoni Maria Luisa. (2000). Critical analysis of the legal framework and its implementation.

Saki, Mohammad Reza. (2011). "Economic Criminal Law", Second Edition, Jungle Publications.
Shiri, Abbas. (2014). Khani, "Ali, Criminal Policy; Inappropriate Criminal Policy Response to Economic Corruption, Challenge to Police", Journal of Law Enforcement, No. 65.

Soltani Fard, Hossein. (2018). Mahmoud Malmir, Hassan Alipour, "Economic Criminal Procedure"; Content and Form Link, Journal of Legal Studies, No. 29.

Recebido em 27 de julho de 2020.
Aceito em 20 de janeiro de 2021.