

START SMUGGLING GOODS AND CURRENCY - DAMAGES AND REASONS

O COMEÇO DE CONTRABANDOS DE MERCADORIAS E MOEDA - DANOS E RAZÕES

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Abstract: The phenomenon of smuggling and the beginning of its crime, as a crime, has political, social and economic problems in different countries and in Iran. With the advent of large civilizations in the world, which was the result of the boom in business and trade, the phenomenon of smuggling was also found in the East, and specifically in the Middle East. The crime of smuggling and starting a crime involves a variety of dimensions and in different fields and the governments and people of the country are faced with many problems. For this reason, the purpose of this study is to investigate the causes of the crime of smuggling and starting it. The research method of this paper is descriptive and analytical. Smuggling is a huge benefit to some people and smugglers but there are irreparable damage and losses for the people, one of these problems is the loss of domestic production and the loss of a large number of workers and the closure of many factories. Knowing the causes and smuggling of crime can help prevent this crime and start offending it and reduce the volume of smuggling. There are definitely solutions to prevent and reduce crime.

Keywords: Smuggling. Starting crime. Crime. Smuggling goods and currency. Prevention.

Resumo: O fenômeno do contrabando e o início deste crime, como crime têm problemas políticos, sociais e econômicos em diferentes países e no Irã. Com o advento das grandes civilizações no mundo, que foi o resultado do boom nos negócios e no comércio, o fenômeno do contrabando também foi encontrado no Oriente e, especificamente, no Oriente Médio. O crime de contrabando e de iniciar um crime envolve uma variedade de dimensões e em diferentes campos, e os governos e as pessoas do país enfrentam muitos problemas. Por este motivo, o objetivo deste estudo é investigar as causas do crime de contrabando e o começo deste crime. O método de pesquisa deste trabalho é descritivo e analítico. O contrabando é um enorme benefício para algumas pessoas e contrabandistas, mas existem danos e perdas irreparáveis para as pessoas, um desses problemas é a perda da produção doméstica e a perda de um grande número de trabalhadores e o fechamento de muitas fábricas. Conhecer as causas e contrabando de crimes pode ajudar a prevenir esse crime e começar a ofendê-lo e reduzir o volume de contrabando. Definitivamente existem soluções para prevenir e reduzir o crime.

Palavras-chave: Contrabando. Iniciando Crime. Crime. Contrabando de mercadorias e moeda. Prevenção.

Introduction

Smuggling and starting crime is the phenomenon that has challenged most countries in the world. The phenomenon of smuggling goods and foreign currency and starting to be a crime can be considered as one of the crimes that despite the many efforts of the relevant custodians to deal with it, we have clearly seen the effects of the social environment, the political system, the economic situation and livelihood of a particular region which has spread more than before in the country. The results of the statistical survey of the Department of Statistics, Statistics and Data of the Headquarters for the fight against drug smuggling and presidential currency in September 2013 indicate an estimated \$ 2.19 billion in smuggling in the economy of the country of this amount, \$ 16 billion in incoming drug smuggling and \$ 2.3 billion are estimates of the volume of outbound smuggling from the country. Meanwhile, the biggest negative consequence of this phenomenon is disturbing the economic system of the country which reduces employment, reduces domestic production, and reduces government revenues, does not establish tax justice, diminish incentives for investment, and results in another negative impact on society. In this regard, according to the ILO statistics, every \$ 1 billion in smuggling goods destroys hundreds of thousands of jobs in their destination countries. (Jedi Fard, 2012, 66) When Iran faces a rising unemployment and rising unemployment crisis, with the arrival of \$ 16 billion in smuggling, about 1.6 million jobs and opportunities will be destroyed in our country. Many preventive measures have been taken to combat and smuggle goods and currency, but due to the high volume of smuggling in the country and the lack of matching of facilities and expenditures with it, these efforts have not been very successful and confirming it is the statistics that some of them are referring to.

The crime of smuggling goods and currency and starting to commit crime

Crime is the main substance in criminology studies. The most important feature of criminology is to focus on crime. (p273, 2014, Williams) crime in the broadest and most comprehensive sense is influenced by various ideas and schools in criminology: "Criminologists try to investigate the crime by expanding the definition of criminal behavior based on biology, psychology, sociology, or specific socio-cultural economy." (1999, Andrew)

Smuggling of goods is a contractual and credible crime, (Gonz-Remund, 2014) that is, behaviors that have been punished in a period of time characterized by a criminal offense and false accusation (Shahram Ebrahimi, 2016, 13).

Definition of starting a crime

In the definition of crime, we know that when one wants to commit a crime, he has to go through several stages.

1. (First stage) First imagine and think. For example, someone thinks about killing his rival (Ardabili, 2016,318).
2. (second stage) He takes his decision, that is, he intends to commit a crime.
3. (third level) In order to carry out his intention, he provides the fields for committing the crime and prepares the means for the crime.
4. (Fourth stage) It enters physical and material operations or operations and ultimately completes the crime. Starting a crime is where a person enters an enforcement operation but due to an inadvertent cause, he cannot complete the crime and the crime remains incomplete. (Law on the Correction of the Sentences of Smugglers, Article 1, Approved 29/01/1995)

Article 121 of the New Islamic Penal Code provides that "Everyone intends to commit a crime and begin to enforce it, but remains suspended by an agent beyond the will of the intention. If the actions were taken, it would be a crime condemned to the same punishment and in other cases he will be acquitted." (Article 121 of the Islamic Penal Code 2013)

The following conditions are required to realize the crime:

1. The perpetrator has the intention to commit a crime. That is, the perpetrator must have a criminal intention; He has decided to commit an offense and has entered into a criminal offense for committing a crime.
2. The perpetrator commits the execution of the crime. That is, it should be the stage of thinking and decision-making and providing the means and means of past crime and carrying out material operations (material pillars) of the crime. Therefore, only the intention to commit a crime, however, does not start with the crime, albeit with a preparatory action that is merely a prelude to crime and has no direct connection with crime.
3. Executive operations should not end the crime and realize it. That is, the target crime is not fully realized. Because if the complete crime (total crime) is realized, there is no longer any place left to start the crime. Therefore, it begins at a time when complete crime is not realized. Because it is a crime to initiate a total crime, and if the crime is committed, it will commit a crime of total crime. (Note to Article 121 of the New Penal Code of 2013)
4. The reason for not fulfilling the perpetrator's purpose - that is, committing a total crime should be inarticulate. That is, the perpetrator cannot complete the crime for a reason other than repentance and regret. Therefore, if the perpetrator regrets the offense after commencing execution and the crime is not complete, then he does not start the crime because he himself has not completed the crime on his or her own will.

So the legislator has given a chance to return to commit an offense and gave him the opportunity to return to himself before the end of the crime, without waiting for punishment. Where, for example, a person has been charged with a gas fire on a fire, but before he fires it does not complete the crime. His act was not a crime and not punishable but if he is burned and arrested, his actions are considered a crime.

Start smuggling

According to Article 122 of the Penal Code, anyone who intends to commit a crime and begins to enforce it, but through an agent outside his will intends to suspend him, is punished. According to this article, jurists consider three elements necessary for intentional crime: (Article 122 of the Penal Code 2013)

1. **Spiritual element:** The intention to commit a crime by the perpetrator is the spiritual element of the crime. That is, everyone analyzes the intention to commit the crime in order to commit a crime and with the predetermined plan, it provides the context for the restoration of other elements that are referred to as spiritual elements. From this definition, it can be concluded that in the crime of smuggling, the offender must initially have the intention of committing a crime.
2. **Physical element:** A crime occurs after a person's or group's intention to perform a criminal offense. This means that the person or group who intends to commit smuggling must intentionally commit the crime of smuggling, Such as transporting goods or smuggled goods into the country, and coordinating and using a car and equipment to smuggle.
3. **Legal element:** The action of a person or group is punishable according to law. If a person or group, after having committed a crime or a material element, carry out some of the actions required to commit a crime of smuggling but the crime of smuggling does not achieve the desired result in the same way that the same acts are committed, person can be punished for committing a crime of smuggling. For example, a trafficker who, after being intentionally, takes a smuggling product and uses a machine or some other way to import or export smuggled goods or currency into the country of destination. If the person or group smuggling, after having prepared the goods and imported into the country, cannot

bring the goods to the desired place his action is considered a crime and the legislator has committed a crime for this act.

Smuggling damage

Our country, like all countries of the world, faces the phenomenon of smuggling. Despite the fact that over 25 regulatory and enforcement agencies are involved in importing, the phenomenon of highly organized smuggling is taking place in our country and even some smuggling experts acknowledge that a quarter of the country's economy has pitched, Astronomical billions of dollars are reported for smuggling through relevant authorities, of which more than 80% is the priority of the 10th import law. This has caused a serious blow to the closure of many domestic production units, including food, textile and apparel. (Online Economy News Agency 10/9/2014)

Smuggling economic damage

Smuggling is part of an informal economy that is not recorded in official statistics. Smuggling in goods is part of the country's economy, which is aimed at profit making by illegal smugglers. Iran's customs statistics from smuggling discoveries show the upward trend in the total number of cases of smuggling in recent years.

Considering that discoveries are only part of the volume of illegal activities, the extent of the smuggling phenomenon in Iran is not far off. Smuggling is not recorded due to its hidden nature in official statistics and on that basis, its existence will conceal part of the performance of the economy of the country, this fact can put the functioning of state allocation and distribution policies in action with serious problems.

However, with the knowledge of the smuggling process or its volume, it can be achieved by adopting appropriate measures; unofficial economic activities have led to official economic activity recorded in national accounts. (Pejouyan, 2007.3)

Smuggling in Iran has brought a lot of economic damage to the country and has a large volume. The government, based on the country's currency situation, sets policies for the volume of imports and exports, however, smuggling of goods will undermine the government's goals in the trade balance and trade policies adopted, because the smuggling of goods into the national economy imposes a currency charge and the smuggling of export goods also makes; The government's economic goals are not to be monitored by the outflow of foreign currency. (Seyfollah, 2009, 104 105)

The smuggling of goods reduces the mismanagement of the state's customs and tax revenues, causing a massive withdrawal of currency, massive capital flight, rising unemployment, reducing domestic industrial output, and so on. In the healthy economy, all economic activities are recorded and recorded but a bunch of economic activists are not willing to do this and thus cause the formation of an underground economy or a black economy, One of the most important examples of underground economics is the dilemma of smuggling goods and currencies that disrupts the country's economic information system and makes economic decision-making difficult and policy-making loses its effectiveness.

Smuggling of goods and currency is always more than legal transactions and practically, the Iranian markets, especially the single industries, which have low-volume, but expensive and expensive products, are available to individuals and groups that not only play a role in the growth of economic indicators. It is one of the most important factors in the fall and decline of the country's economy and society.

In addition, the failure to pay government revenues from smugglers will reduce investment in industries, reduce the volume of productive activities within the country and, as a result, reduce employment and given the fact that domestic industries are forced to operate under their capacity, resulting in higher production costs, it will lead to higher inflation within the country. (Central Headquarters for Combating Smuggling in Goods and Currencies Base of 1/12/2015)

Smuggling Social harm

In today's world, no society can be found that does not respond to deviations, abnormal behaviors, social harm, and various crimes because the social pathologists and institutions and organizations responsible for order and security are aware of the fact that: Discriminatory actions and behaviors contrary to the values and norms of society not only undermine social security. It also shakes the public's trust in society; it also reduces the dignity of the institutions and forces responsible for the order and security of the community.

In addition, much research evidence suggests that: Expanding the range of deviations and deviations and social harm increases the potential for protesting collective action. (Ahi, 2010, 23) One of the social tolls of smuggling fever is a rich night and as the tendency to consumerist lifestyles intensifies, People are not convinced by small and low-income business and for more money, they will look for other mechanisms.

From the social harm of smuggling, it is possible to express the originality of wealth and capital and a kind of physical culture in the everyday life of the people. In fact, the research in this regard shows the tendency of employed people and even those who are engaged in administrative work to smuggle; thus, the idea of the disappearance of smuggling by creating small and low-income businesses is a simplistic idea.

Smuggling makes people lose their decent job in order to achieve a dream of luxury and life. And this shows prestige with the use of material goods. Research on this subject shows that; the respect of the verb of smuggling goods in the border areas of the country has been eliminated and because of the easy and high revenues from smuggling, even some farmers have abandoned their jobs and turned to smuggling. (Samedian, 2014, 13)

Increasing the morale of the lawlessness, weakening the work culture, increased traffic insecurity and the increase in mortality from other social implications is the subject of smuggling goods. With the death of a family member, a severe and irreparable blow to the family's body will occur, which will further increase over time.

Reasons of smuggling

One of the most important areas for the smuggling of goods in our country is the desire of consumers and changing the pattern of consumption in Iran so that luxury goods are in the basket of household consumption even at low incomes. The statistics show that our country's production only accounts for 32 percent of the minimum consumption of the community.

Also in recent years with problems like: We have been facing with Economic slump, lack of mobility and dynamism in production, lower manpower productivity, excessive dependence on oil revenues, inefficient service expansion, investment recession, unemployment, inefficient distribution, regulatory instability, massive liquidity, lack of proper use From production capacity, waste of capital and human resources ... Which, in turn, has created barriers to the production of goods for the community. Other studies show that Iran's position in the global business environment is also very low and far from the potential of the country.

Therefore, problems such as the volume and wide variety of smuggling of goods to the country are the result of this type of economic performance in the country. If a country's production is affected by multiple problems, so that it cannot grow in line with domestic needs and international developments, smuggling of goods will be provided. Factors inside the country cause a huge amount of smuggling into the country, some of which are discussed below.

Pay subsidies

One of the main reasons for the smuggling of goods is the massive subsidy for domestic consumer goods. This causes a difference in the price of consumer goods inside and outside the country, which is why the goods are smuggled from cheap country to

expensive countries.

According to the findings, subsidies are also one of the factors contributing to the increase in smuggling in the country. The subsidy is the amount of money the government pays for all segments of society to enjoy the minimum welfare. In terms of social justice, everyone should have at least welfare and be able to meet their basic needs.

Therefore, subsidized people are usually paid for basic goods. The government pursues three objectives, namely: optimal allocation of resources, economic stability and equitable distribution of income. The subsidized system in Iran's economy has been one of the factors that have contributed to the smuggling of goods. This system, which was prevalent in the early days of the imposed war in Iran, includes several subsidies given to consumers for basic goods.

The price difference between commodity prices and foreign markets, especially in subsidized commodities such as flour, fuel, and medicine, encourages some small holders to smuggle this type of goods, because this difference price increases the profitability of smuggling goods.

In some cases, the profitability of smuggling may be so high that it overwhelms the riskiness and risks of smuggling. Energy subsidies in recent years have accounted for most of the current government spending. Subsidies and the lack of rising energy prices in recent years have led to a gap between domestic and global prices.

The news and statistics of fuel smuggling have been very disturbing in recent years. Statistics show that, before targeting subsidies and implementing the economic development plan, most of the gasoline and petrol were smuggled to neighboring countries and other countries; If we look at the price of gasoline and diesel in neighboring countries, the main reason for this lucrative business is set.

The average selling price of gasoline in mid-November 2008 (January 2008) in Afghanistan, Armenia, Azerbaijan, Pakistan, Turkey and the United Arab Emirates was 105, 108, 74, 84, 187, 45 cents per liter. This difference in prices represents the main reason for smuggling fuel to neighboring countries. But after the implementation of the plan, much of the smuggling has been reduced. The variable subsidies have exactly the same role as other variables, as other variables contribute to increasing the rate of entry into the country, but subsidies are essentially contributing to smuggling from Iran to other countries. Therefore, by removing subsidies, the smuggling of all goods subject to it will be lost to the surrounding countries, because it will no longer be affordable for smugglers. There is no official statistics on the rate of trafficking of Iranian subsidized goods to neighboring countries but that's over \$ 100 million a year.

In recent years, it seems that not only has not been reduced the rate of smuggling of subsidized goods, but also increased its intensity. By this description, with the full implementation of the subsidy targeting plan, smuggling of supportive goods abroad will be stopped, and this will be removed from the list of factors affecting smuggling of goods in Iran.

Increasing unemployment in border cities

Another reason why smuggling increases in the country is the increase in unemployment in the country, especially in border towns. One of the ways to prevent smuggling into the country is to create employment in border cities, which the government can do to prevent significant trafficking into the country.

Unemployment means the lack of income for the individual and his family and the choices, opportunities and life of the individual, and the individual's responses are distinct from mental disorders and individual and social degradation reactions, and one can say that unemployment is generating a crime.

In fact, when the unemployed seek to meet their own needs and their families, crime has increased, permanent unemployment and acceptance by community members

will result in adjustment and crime, and its inclusion as a response.

Unemployment leads to deprivation of many facilities; Anthony Giddens in his sociology defines relative deprivation as follows, the difference between the level of living of an individual and his level of living, which is usually compared with the level of life of another person.

Unemployment is one of the factors that play an important role in smuggling in the border regions. Reducing employment rates will force people to go to other businesses. Unemployment, in addition to disruptions in income, also has other social consequences and is a major contributor to social corruption.

Unemployment leads to mediation and smuggling in the most optimistic way. In other words, the decline in employment in the formal economy is justifiable and the reason for the increase in employment in the informal economy and smuggling of goods. Hence, the unemployment rate in the formal economy is directly linked to the spread of smuggling of goods.

High profitability of smuggling

One of the most important reasons why some people turn to smuggling is high profitability for individuals. Having these high profits will make smuggling actors smuggle. The huge profitability of smuggling is due to the difference in prices on the domestic market with neighboring countries, so that the most important factor in the tendency of people to smuggle energy, especially oil, can be its high profitability.

Even according to a reliable report, fuel smugglers benefit more than drug traffickers, so that smugglers who transit gasoline from Iran to Turkey and other countries will earn more than triple profit from drug smuggling.

The probability of losing smuggling activities and fines can be considered as an indicator for explaining smuggling activities. In general, the lower the cost and the risk of smuggling, the less a trafficker feels the risk, and at a lower cost, it can move the product from the outside to the inside or from the inside out.

Demand for smuggling goods

The fact is that there is always a demand for smuggling goods in the domestic market and foreign markets and smuggling agents aim to gain more profit in trafficking and illicit trade, or to supply goods illegally. People's demand for smuggling comes from many causes and factors, whose identification and careful examination can have a significant impact on the changing demand for such commodities and the serious struggle against the economic effects of smuggling goods.

Demand for this commodity is influenced by various causes and factors, For example: the quality, innovation and variety of products, satellite advertising, changes in lifestyle and the pattern of consumption of the community, which increases the demand for foreign luxury goods.

High Customs Tariffs

Customs tariff is the amount of tax that is imposed on imports (sometimes on exports) and increases the price for domestic producers and consumers. The most important goals known to import tariffs can be: Making money for the government, supporting production and employment in the domestic market, supporting the new industries, providing the right conditions for replacing imports with domestic production, improving trade relations, and in recent international trade literature, export development, Transfer of surplus profits in unofficial markets into the country and affect the industrial structure of the country. Customs tariff is one of the main causes of smuggling in the country. Research shows that if tariffs for many commodities are even around 20 percent, smuggling of goods and underground economies.

In general, smuggling takes place due to the difference in tariffs on both sides of the border and the greater the scope of their differences, the smuggling rate is also increasing whatever the state policy, if the support of the above tariffs is unreasonable and persistent, it will inflict irreparable losses on the economy of the country.

Because the first is that domestic manufacturers are not looking for production at a lower cost and higher quality. Second, due to the high demand for such commodities in the domestic market and the significant difference in prices with imported legal goods (due to payment of customs duties and high commercial profits), it will be carried out in the country. On the other hand, these goods usually lack supplies and spare parts and after sales services, and they are also not of high quality.

In general, it can be admitted that; in this situation, due to the import of goods in the form of smuggling, the state also receives less customs duties and commercial benefits and the goods arrive in low quality because of the lack of after-sales services and disposable spare parts and supplies.

While high customs duties can prevent some other goals such as membership in international and regional trade organizations and associations and deprive the national economy of the benefits of such organizations and assemblies in reaching the markets of their member states. Therefore, import tariffs are not economically justified either in terms of tax revenues or in terms of economic policy and domestic consumer protection.

Suggests

1. Review the economic, political and geographic challenges of fighting smuggling and currency exchange and solving them
2. Study the problems of the border residents and create employment for them
3. Improvement of livelihoods of law enforcement officers who serve at the bases of the entry and exit of the borders at the borders of the border provinces and equip them with the technology of the day
4. Improving the quality of domestic goods through helping industries and distributing solutions to reduce production costs at the same high quality and join the global market.
5. Strong struggle with organized smuggling and finding leaders and dealing with them without political considerations and their dependence on a particular person and group.
6. Formulating efficient, timely and appropriate laws in defense of national production
7. Reforming the economic structure to take advantage of the smuggling of goods
8. Informing about the violations by organizations and institutions about smuggling
9. The issuance of orders from the authorities and ayatollahs to forbid the smuggling and the proceeds from it
10. Creating employment especially for unemployed people in the border regions
11. Applying strict and serious control over the borders of the country
12. Improving the quality of domestic products and reducing their prices
13. Prohibition of drug trafficking by the media
14. The ban on the import of foreign goods that are similar to those produced inside
15. Learning the devastating consequences of trafficking in the media community
16. Reduce the rules and formalities for the exchange of goods abroad
17. Under the control and control of the specific origins of the trade of institutions and organizations, such as invisible illegal berths

Conclusion

Smuggling and launching a crime is part of the country's economy, which is aimed at profit making by illegal trading agents. Iran's customs statistics on smuggling discoveries show the upward trend in the total number of cases of smuggling in recent years. Smuggling is not recorded due to its hidden nature in official statistics and on that basis; its existence will conceal part of the performance of the economy of the country. The crime of smuggling and starting a crime causes problems in various fields, including economic, social, political and cultural in the country and they face people's problems. Projections of appropriate measures to prevent this crime and start offending it can reduce the volume of smuggling and prevented an increase in smuggling in the country. Definitive crime prevention is a good solution that can be applied and used to reduce crime. In order to prevent a crime, a comprehensive and comprehensive plan has to be considered, which will move towards it and act in advance of the goals.

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