Review punishment for violating the country's economic system from a legal perspective, Iran

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Abstract
What is now known to disrupt economic, entailing severe damage to the economic system as well as the international economic system, the cycle of production, distribution, transport, consumption and money so International organizations like the United Nations and Europe in recent decades in this regard, Differential criminal policy with strict orientation have predicted. As examples of these crimes Such as disrupting the monetary system and currency, and pyramid company has formed a global perspective, it seems that the legal system. Various countries in the light of international treaties, including the Convention of Merida, towards a convergence step in preventing and combating such crime are removed. This approach, whether in terms of criminological and criminal Chhdr then, a few years ago onward, the discourse of judicial, executive and legislative state, Health Promotion Law and the Fight Against Corruption, especially in administrative system because of the focus on prevention, IPC, Out of these crimes because of the postponement, suspension, and over time, as well as the law on combating smuggling are evident. This article is based on the one hand to define and coordinate the basic and on the other hand, to how to prevent economic crime pay.

Keywords: disturbing, Economic system, Prevention, Crime.
Introduction:
"Disruption in the economy can be considered as new forms of delinquency"
Some of delinquency "reverse criminology" has been called, because the reverse true what criminologists criminology traditional hypothesis is not inserted, Considered. Although the mid-twentieth century the issue of economic crime, beginning with the theory of Sutherland about white collar criminals into the institution, But over time, and expand the scale that has been causing global concern, Led the international community since the early 1990s, with the approval of most of their efforts focused on the different conventions and the importance of combating remind it to the state. The most effective way to deal with this relatively new phenomenon, primary precautions.

1. Punish Trafficking currency and the competent authorities dealt with:
   1.1 Punish Trafficking in exchange
In this regard, according to the smuggling of currency and various legal provisions that we should be distinguished:
   a. Major currency trafficking with the intent to harm or deal with the Islamic Republic of Iran or given the effectiveness of these measures is important as we subject to the fulfillment of two conditions:
      First of smuggled currency - in accordance with the following provisions of Article (1) of the same law, Judge competent for the diagnosis of stomach or large macro or being considered in addition specifying the amount of damages and amount effects of corruption and other abuses associated with it could be the case, The authorities also attract comment, the reference concerned about the smuggling of currency, mainly the Central Bank of the Islamic Republic of Iran.
      Second intention of tapping and deal with the military - which has already explained about it.
   b. Currency Trafficking (whether major or non-major) without the intention of harming the system or deal with it:
      We said that in this case the provisions in the Penal Code of the economy spoilers the law was repealed combat smuggling and trafficking of currency if the dollar amount is ten million merely to record the exchange in favor of the Central Bank of the Islamic Republic of Iran is satisfied and if it is superfluous to the exchange in addition to recording artifacts, Commit to one to two input and two to four times for the penalties for currency exchange will be sentenced input.

1.2. The competent authority proceedings:
Jurisdiction in cases where bulk currency smuggling and is going to hit or tackle Iran Including security offenses and in accordance with paragraph 1 of Article 5 of the Public and Revolutionary Court on 15 / 04/1373 the Parliament of the Islamic Revolution Court (Of course, after a preliminary investigation and indictment of Area General and Revolutionary Courts) And in the case of trafficking for non-major currencies and without the intention of hitting or fighting the regime, Originally recorded by the central bank to exchange artifacts action to collect fines and action is and if the government suspended the issuing authority or court revolution, In each case, to the Organization or to prosecution and a fine collection presented in court and if found guilty
revolution and the issuance of the indictment. The above-mentioned case law on the implementation of paragraph 5 of Article 5 and Article 44 of the law on combating smuggling. The verdict will be sent to the Islamic Revolution Court.

2. The competent authorities investigate and punish crimes related to counterfeit banknotes and coinage:

2-1. Crimes related to coinage and currency forgery:

Due to the different rules in this regard, there are several various forms of crime, the penalty for any crime according to the law in force can be explained as follows:

Counterfeiting internal common stewardship through intermediaries and entering or distribution and consumption with knowledge of the falsity of the band and under the single article of the law and severe penalties for importers and consumers banknote forgers 29/01/1368 forged bills approved by the Expediency Council, the death penalty and confiscation of property from counterfeiting or distribution or login or use of property obtained by crime. Domestic and foreign counterfeiter notes and coins hit the heart and the major importing or distributing them with the intention to hit the Islamic Republic of Iran, According to Article (1) (a) and Other (2) of the Penal Code spoilers 09.19.1369 Parliament approved the country's economic system, if the limit is corruption on earth, Otherwise, execution and imprisonment from five years to twenty years and seized property obtained through unlawful and the court can commit sentenced to 20 to 74 lashes in public, fine.

Counterfeiting common foreign and domestic or import it into the country and use it with the understanding forged with the intent to harm or disturb the security situation in monetary or banking or economic political and social If Corruption is not known if the detention is sentenced from five to twenty years.

Current national and international Counterfeiting and enter them into the country or use them without the intention of disrupting the system Or fight the system, in accordance with Article 525 of the Penal Code, one to ten years imprisonment.

Reducing the amount of gold or silver coins or foreign Iran by shaving, Cut and so on or inside the country or promote them knowingly, deliberately, According to Article (519) of the Penal Code is punishable by one to three years in prison.

The heart like scrap metal coins or foreign currency other than gold and silver into the country. Or promote them as well as buying and selling them bogus science and without intent to harm or to fight the system, in accordance with Article (520) of the Penal Code is punishable by imprisonment of one to three years. Of course, in accordance with Article 521 of the Penal Code if the perpetrators of the crimes set forth in Articles 518, 519 and 520 before the discovery of the crime, and Officials wanted to notify crime or in the pursuit of a confession by facilitating others to provide chase Or government official to effectively help in crime detection and guidance, Proposed by the head of the relevant jurisdiction (now Attorney General) and the approval of the court or in the court recognizes their punishment will be discounted and terms of imprisonment are exempt unless they repent authentication before arrest In that case, all penalties will be exempt. That legislators deserve the discounts and exemptions for banknote forgers were also considered until the discovery of these crimes and prevent their distribution is more effective it is clear that the fight
against fake banknotes of counterfeit coins is far more typical. Specifically, the metal coins are currently no economic value and more exchanges of notes takes place.

2-2-authorized appeals:
Heart coinage and currency forgery and promote their use as well as buying and selling public, including crime and naturally these crimes after a preliminary hearing in public and revolutionary prosecutor's offices in the Penal Courts.
But in cases where the above crimes legislator deemed as corruption on earth and is intended for the death penalty, Security crimes deemed to be in accordance with Article 5 of the tribunal public and Revolutionary investigation into the crime in the jurisdiction of the revolution. The only thing that might be questioned, the mass import of counterfeit coins and counterfeit banknotes into the country the first thought to come to mind. But trafficking to the smuggling of genuine goods awarded and the legislator should be used expressly as trafficking, it seems that apart from the above case as contraband and address the above-mentioned crimes are also subject to regulations that normally in public and the Courts and in the case of corruption on earth are deemed to be within the jurisdiction of the courts of the revolution.

3. The competent authorities investigate and punish profiteering:
3.1 punish profiteering
Given that there are now two types of overcharging, and in this regard we have two types of regulatory elements that different rules and penalties in each case is determined individually punished separately for each type of overcharging the study and consider:
   a. Overcharging in normal mode and includes all of the goods or Services in accordance with Article 57 of Law Approved 12/24/1382 guild system, overcharging fines, according to the frequency during each year are as follows:
   b. Compensation to the buyer and a fine equivalent to the amount of overcharging, if the fine is less than fifty thousand (50,000), and a fine of fifty thousand (50,000) will be.
   c. If the total amount of fines after the third violation More than two million (2000000) IRR reaches or fabric panels over the business as a corporate offender for ten days will be installed.
   d. If the total amount of fines after the fourth offense more than twenty million (2000000) reach, Or fabric panels over the business as a corporate offender for ten days to install and businesses will be closed for three months.

The aforementioned penalty as a violation of the trade union to apply and the law to overcharging, He do criminal work has been criminalized and penalties for criminal records are not committed. According to the text of the article above, it seems that malfeasance and toughen penalties per year and if malfeasance is considered to be the second time in two years will not be considered.

General Provisions overcharging, macro or other public needs in accordance with paragraph (b) of Article 1 and Article 2 of the Penal Code spoilers in the economic system Approved 19/09/1369 And the incorporation of a clause and a clause to Article 1 of the Penal Code Act of 1369 and the good of the economy spoilers Note (1) of Article (2) of the Act of Parliament 14.10.1384 As follows other types of crime and profiteering recognized for their intended separate punishments that include:
1. General Provisions massive profiteering or other public needs to fight the system or deal with it or with the knowledge of effective measures to deal with the system if corruption on earth. Is sentenced to death, as well as recording property obtained through unlawful.

2. General Provisions massive profiteering or other public needs without trying to fight the system or deal with it or with the knowledge of effective measures to deal with the system if there is corruption on earth. To imprisonment from five years to twenty years and record property that is obtained through violation of the law, is condemned. The court may, in addition to imprisonment and fines, committed to the sentence of 20 to 74 lashes in public.

3. General Provisions overcharging or other general requirements for non-universal form in addition to the property shall be sentenced to imprisonment from six months to three years and a fine equivalent to double the property gained through overcharging.

However, in Note (1) above amendment is not clear but it seems that paragraph (3) above is achieved once who is going to commit to fight the system or deal with it, otherwise Article 57 of Law guild system that is later approved and more favorable had been committed, is ruling.

2.3.2 The competent authority proceedings
1. All violations that have been recognized in Corporate Law (including overcharging) in accordance with Article 22 of the Law on Protection of Consumers' Rights Act of 15.7.1388 parliament is within the competence of the government suspended the punishment prescribed by the law dated 24/12/1382 guild system will be addressed and action.

2. Overcharging Basic macro or other requirements General Provisions If the intention of harming the system or deal with it, and the extent of corruption on earth article (5) of the Public and Revolutionary Courts adopted on 15/4/1373 the jurisdiction of the courts of the Islamic Revolution, and if the above is no plan to address it the General Court of Justice general jurisdiction (albeit preliminary proceedings in both the General and Revolutionary Courts are the location of the crime).

Obviously, the rules of proceedings and sentencing in the above (paragraphs 1 and 2) specific rules relating to the competent authority handle.

4. The competent authorities investigate and punish speculation and monopolies.

4.1 punish hoarding and monopoly
This offense is punished according to the article (2) of the aforementioned Note (1) following the reform it has three modes as follows:

1. The death penalty and recording all property obtained through unlawful. If the punishment is that people buy a lot of agricultural products or other requirements to monopoly or Shortage in supply of them to fight the Islamic Republic of Iran or against it, and the person to be considered as corruption on earth.

2. punishable by imprisonment from five years to twenty years, and seize property obtained through unlawful and if the court recognizes 20 to 74 lashes in public if the punishment of criminal behavior as mentioned above is not corruption on earth.

3. The imprisonment of six months to three years and a fine equal to twice the assets that have been obtained through if you attempt to advance agricultural production needs to other people to monopoly or Shortage in supply of or macro level is not high. This mass start
penalties in accordance with Note (3) Article (2) is mentioned in previous discussions and we do not repeat it.

4.2 appeals
This offense also in terms of ambivalence as the case may be addressed in two reference, in cases where the death penalty is committed and the person deemed to be corruption on earth in terms of security and crime in the jurisdiction of the court proceedings of the Islamic Revolution. In other cases mentioned above and exclusion criteria of crimes against national security, as well as other common crimes in public court proceedings Justice and proceed to judgment about it.

5. The competent authorities handle the punishment and disrupting the production system Country:
5-1-penalty disrupting the production system Country
This object is planar, like previous crimes and major or non-major terms of the presence or absence of specific intent crime rates facing different penalties that according to the article (2) of the Penal Code for violators of the country's economic system and note (1) is correct sentencing due to the repetition of the same material that is sufficient.

5-2-reference address
All comments made in the previous discussion about investigating authority said here is true and the ambivalence of crime (security or normal) Islamic Revolution Court to hear a case it will be the public or the court avoided a repeat of previous entries. It is important to recall that after the investigation and prosecution of crime and the accused is found guilty must materials his citation mentioned in the indictment and the case file sent to investigate the competent authority. But Crime Detection citation in court and if the court is free to disagree with the General Court to be created file for resolving conflicts appealed to the Supreme Court (the case) will be sent.

6. Punishment and the crime of bribery and corruption authorities
6.1 Punishment of the Crime fawn and bribery
Legislator in different legal texts for the briber and the bribed separate punishment and by their recipient has predicted that in cases of mitigation and aggravating also have to consider separating them:

A. Punish bribe-store, Article 3 of the law more severe penalties for perpetrators of bribery, embezzlement and fraud penalty, adopted in 1367 by the bribe and the bribe receiver is different.

B. punish the briber
According to Article (592) of the Penal Code, punishable briber is:
1-imprisonment of six months to three years
2-or up to 74 lashes.
3-seized property due to bribery
It is observed that the legislator in determining the amount of the bribe and the briber penalty and his position of civil servants or not, is not punishable by imprisonment and flogging for selection
set to appear compared to much milder punishment bribes. Armed Forces of the punishment for bribery offenses in the Penal Code has not been set, so if the briber of staff of the armed forces is regardless of the job and his side, his punishment like any other normal person and in accordance with Article (592) of the Penal Code be determined.

C-punishment intermediary between briber and bribe
According to Article (593) of the Penal Code punishes anyone who knowingly bribery to the realization of such negotiations, Approval or receipt and delivery of property or document whatsoever or provide payment to briber punishment as the case may be sentenced.

D-aggravating qualities punish bribery and corruption
In the case of bribery and corruption legislation will intensify the punishment that includes only the first case and the second case includes both the brie. According to Article (4) of the more severe penalties for perpetrators of corruption ... If those with few people on the network or network leaders bribery and.... In addition to the record attempt, all movable and immovable property earned through bribes to a fine equivalent to its total assets and permanent dismissal from government service and imprisonment are sentenced to fifteen years and if the full instance of corruption on earth, the punishment they will be punished corruption on earth. Double punishment is contrary to the principle of legality determine the status of these penalties, because legislation is not clear what action bribe perfect example is a corruptor on earth. This penalty only applies to those who are or corruption of the network or the network led to and so the punishment will not include ordinary members of the network.

6-2-reference address:
A-judicial authorities
Given that commit bribery and type of personality that is important in this case, It can be the case to the judicial authority and jurisdiction over the crime described as follows:

1. General Court of the crime of bribery and corruption criminal-given that the general public, including crime, handle it in accordance with the general rules governing the crime, the crime is within the competence of the General Penal Court. Preliminary investigation and preliminary investigation by the Prosecutor General of the Court is done in the company.

2. Charges of bribery and corruption trial in cases where Islamic Revolution-an attempt to disrupt the country's economic system. And to combat Islamic Republic of Iran or the extent is corruption on earth, He was considered guilty of such crimes against the internal security and the implementation of Article 5 of the Public and Revolutionary Courts, proceedings in the jurisdiction of the Islamic Revolution.

3. In this regard, according to judicial precedent number 571-1 / 11/1370 General Board of the Supreme Court is essential that says:
"Bribery is punishable by severe penalties in Article 3 of the perpetrators of bribery and embezzlement and fraud adopted by the fifteenth of December 1367 and comments related to a specified proportion of the price of the property or funds derived from general crime Article 4 of this Act to toughen penalties for those who formed or a few network leaders engage in bribery case And severe penalties for public effect, but if the court determines that the jurisdiction of the Court The formation or leader of some people is to disrupt the Islamic Republic of Iran under article written about the subject and will be dealt with trials Islamic Revolution. " If bribery court-martial
of the armed forces, including army personnel box or task, Iranian Revolutionary Guards, police, mobilized poor, Joint Chiefs of Staff and Corps, Ministry of Defense and Armed Forces and the Ministry of Information in accordance with Article (1) of the Armed Forces of the Islamic Republic of Iran approved the trial proceedings 02/22/1364 crime within the jurisdiction of the military court.

However, pursuant to clause (2) of this Act offenses that are committed in the court bailiff in court proceedings are public. Although the Penal Code offenses in the Armed Forces Act 1382 is not considered a punishment for bribery but it seems that if the briber of the armed forces and in line with its military occupation, bribery offense is committed, an investigation into his crime law court proceedings in the jurisdiction of military armed forces.

7. The competent authorities dealing with trafficking penalties and Cultural Heritage

7.1 Punishment of Trafficking in Cultural Heritage

This offense is punishable under the laws in the Penal Code spoilers in the dual economic system of the country and the Islamic Penal Code as follows:

According to Article (2) of the Penal Code for violators of the economic system in the country, if the person is corruption on earth. Otherwise the perpetrator to death and sentenced to imprisonment from five years to twenty years. And in both cases the court as a financial penalty to record property obtained through unlawful will warrant. In addition to fines and imprisonment, the court may commit to a sentence of 20 to 74 lashes in public.

According to Article (561) of the Penal Code, any decision to remove the historic property, Cultural out of the country although it is considered trafficking and did not lead to imprisonment of one to three years in addition to the return of property and pay a fine equal to twice the price of the property is condemned trafficking.

The result is that if the smuggling of cultural heritage to hit the Islamic Republic of Iran or deal with the system or the knowledge to take effective measures to deal with the system, Otherwise punishable under paragraph (a) and punishable under paragraph (b) is determined. Of course mentioned earlier that a crime under the Penal Code of the economy is not passed spoilers but the offense in the Penal Code under Article (727) of this law is passed and cultural heritage by the plaintiff or defendant of crimes against cultural heritage is private.

7-2-reference address:

Given that the spoilers of the economy in both the Penal Code Act 1369 and the Penal Code, Any attempt to remove the cultural heritage of the country clearly, "trafficking" is considered and deal with all crimes related to trafficking in accordance with paragraph 5 of Article 5 of the Public and Revolutionary Courts Act of 15.4.1373 on the jurisdiction of the Islamic Revolution. The Cultural Heritage Organization complaint and a lawsuit by the organization to handle such cases and preliminary investigation of the crime scene is the responsibility of the General and Revolutionary Courts.

2.8. The competent authorities to have the formal partnership of companies:

Given that the above mentioned crime as a crime only if it is subject who want to fight or confront the Islamic Republic of Iran is committed and having such an intention, One of the crimes as
crimes against the security of the place, By virtue of paragraph (1) of Article (5) General and Revolutionary Courts Act passed in Parliament 15/04/1373 and judicial precedent dated 24.07.1386 No. 704 General Board of the Supreme Court to deal with this crime in the jurisdiction of the Islamic Revolution. If the crime had been committed without the intention of fighting or combat system Because one of one of the crimes against the security of exits and under other titles such as fraud or illicit acquisition of wealth, and the like is placed, General courts of general jurisdiction to deal with the crime in the crime. Of course, in both cases above preliminary investigation, the final issuance of indictments responsibility and public prosecutor's offices in the revolution. Important to note that in all cases under the Penal Code of the economy spoilers Acts committed in the death penalty for corruption on earth has been detected and it is intended, Since it is a crime against national security, handle it in accordance with paragraph (1) of Article (5) of the Public and Revolutionary Courts and No. 664 dated 30.10.1382 precedent General Council of the Islamic Revolution's Supreme Court in the jurisdiction of the court and the penal court's jurisdiction.

9. Competent authorities to have the disruption of the export Country:
In cases where the investigation into this crime to hit or deal with the system Have taken place in terms of the security crime within the jurisdiction of the courts of Islamic Revolution and otherwise in the public courts of general jurisdiction. It is also necessary to mention a violation of the foreign currency contracts in the country's economic system is not necessarily subject to the Penal Code spoiler’s public and Revolutionary Courts in addressing this crime to law, the government suspended the application of smuggling them into consideration.

10. Competent authority to have the formation and administration of companies and pyramid schemes:
Given that this is public crimes, including crimes in accordance with Supreme Court precedent No. 704 dated 07.24.1386 of the Board Clause 6 of Article 2 of the Penal Code spoilers of the economy under Article (5) of the Public and Revolutionary Courts Act 1373 has been repealed by implication, To have the established, accepted and recruiting companies and institutions and groups representing conventional criminal courts of general jurisdiction is pyramidal unless the intention of the perpetrator or perpetrators of hit or deal with the Islamic Republic of Iran security in terms of crime, deal with it in accordance with paragraph (1) of Article (5) of the latter within the jurisdiction of the courts of the Islamic Revolution. It is obvious that the above preliminary investigation about this crime in both the public prosecutor's offices and the revolution.

Conclusion:
1-disrupting community life
Disrupt the country’s economic system consists of a set of measures that either of them alone to disrupt the normal flow of healthy and just society. Our state legislature in 1369, punishment for violators of the law of the country's economic system precisely this set of measures has been introduced.
2-crimes disorder is considered
Now we need to know about the crimes that are considered detrimental to the economic system, these crimes have been divided into seven categories, which include:
In the first category, are crimes that disrupt the system of monetary or exchange. The main trafficking of counterfeit currency or coin or banknote counterfeiting and the import and wholesale distribution of such crimes.
Disturbing the public distribution system needs through profiteering and hoarding food and other basic goods in large bulk and many agricultural products Pre-Orders and other production requirements and societal needs in order to create a monopoly or scarcity in the supply of placed on the market in the next group.
Unauthorized sale of technical equipment and raw materials because such practices are a crime the third category are considered as crimes of disturbing. The major advantage disrupting the production system of the country through unauthorized sales of equipment and raw materials on the open market or in breach of its obligations about or giving and receiving bribes mainly in the production system or production licenses In cases where a disturbance in the production policies of the country; it is a crime.
The fourth category should also be said about any action to remove cultural heritage or national wealth tends to bring out even though they are not, Trafficking will be considered. All of the procedures that have been considered for removal from the country as for trafficking in property and attract the interest of the government is recorded. The next group of large sums and sums collected mass of people entitled to accept deposits and so it is kind of partnership It is a great crime committed at how we continue to be fine.
The sixth group of institutional and organized action to disrupt the country's export system. However, this action is in any way that is illegal; Such as foreign currency contracts or payment fraud and fraud in the pricing of export goods.
Group G includes the establishment or accept representation in the pyramid companies and recruiting them. Company pyramid is a group that in order to earn but the increase in members in a way that new members gain, others continue to attract and develop human chain.

4. Disruptive economic penalties
A person who commits any of the above crimes, with the judge and identify major or macro into account the losses incurred by it and the amount that has been abused and other works that corruption will be punished.
But most importantly, if the punishment of disturbance in the economy of the country. Should be said that according to the person who commits a series of events that will decide on the level of dealing with him. . Accordingly doctor Mojtaba Javadi one of the law professors on how to deal with disruptive offenders in the country's economic system: In the second article of the law states that any violators of the economic system disruptors commit crimes if the intention of harming the system Are known as corruption on earth and sentenced to death. But the law about those without having enmity with the country as well as without intention to hit the country, carry out activities that lead to the country's economic system is impaired, It is considered a punishment of 5 to 20 years in prison
The law is not to say that we all punishment for violators of the law is considered, Disruptive
people their property is recorded in the country's economic system to judge about it banned and also at the discretion of the judge can be sentenced to 20 to 74 lashes in public works. Of course, the Note contained in this paragraph of the enormous disruption in the level of effective crime.
References

7. Moazami, Dr. Shahla, organized crime and global strategies to deal with it, publishing of Justice, first edition, 2005.