

EXPLORING THE NATURE OF ECONOMIC CRIMES IN IRAN AND FRANCE LAWS

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Abstract. For the prevention and fight against economic crimes the present vacuum should be solved. This approach, is evident in terms of criminology and the criminal aspects, since past few years, in the judicial discourse of the country's executives and legislatives, especially in the promoting the health of administrative system law and fighting corruption due to focus on the situational -Technology prevention, Islamic Penal Code, to remove these crimes of the postponement, suspension, as well as the law on combating the smuggling. In this study, by matching the criminal policy of Iran and French, in line with the fight against economic crimes and money laundering, we provide useful and constructive ways and express the legal vacuum in order to prevent economic crime.

Keywords: Crime, Economic crimes, Comparative law, Crime, Crime prevention

1 Introduction

Economic corruption and fighting against it in many different countries, including France and its economic crisis and embezzlement and our country have been considered as major issues. The most important reasons for economic corruption in the public sector is related to the governmental undertakings and includes trade restrictions, industrial subsidies, price controls, multiple exchange rates, low wages in the public and business services, and natural resources such as oil. Economic corruption and slow economic growth reduce investment and ultimately cause the country's lack of economic goals development and tax revenues will be decreased and quality of economic infrastructure and public services will be reduced and as a result crime will be increased.

Crime is a multifaceted phenomenon and has always attracted the attention of sociologists, psychologists, lawyers and scholars in the field of economy.

But the study of economic crime includes: 1. Knowledge of miscellaneous laws. 2. The priority of Iranian criminal policy that is the fight against this crime. 3. The political and economic transition of the country and along with, the need for new rules and updating the Iranian criminal law. 4. The high rate of economic crimes. 5. Complexity of these crimes and 6. The devastating and global effects of these crimes.

Economic crime is one of the new concepts of modern society that has been increasingly a cause for concern in terms of its threat to the stability and security of societies, traditions and values of democracy, ethical values and justice, sustainable development and the rule of law. Warning on the risks and notifying it to the community and especially the government in Iran, was originally developed by academic circles, in 1940, Sutherland introduced the concept of white-collar crimes. Crimes which until that time had not been considered by criminologist. Thus, this category of crimes and their perpetrators, with a delay catches the criminological attentions.

What is important in the analysis of criminology and economic crime, is explaining the concept in order to understand the different aspects of economic crimes, causes, actors and how to deal with it. At first, explaining conceptual framework, defining economic crime and its reflection in Iranian law, then basic characteristics of this crime will be considered. Finally how to prevent these crimes, especially in the field of companies will be discussed ((Danesh, 1998, Delmas, 2003).

1.1 The importance and necessity of research

Since the importance of these crimes in the country leads to the formation of the economic headquarters to fight corruption and an increase in crimes resulting from economic corruption has become a major problem in developing countries, some believe that in principle there is no way to solve this problem. Some also believe that punishing the perpetrators of corruption is the only solution to deal with economic crime (Goudarzi, 2006, Habibzade, 2007, Hosseini, 2005).

1.2 Research Purposes

- 1- Exploring the nature of economic crime in Iran and France
- 2- Exploring the specific characteristics of economic criminal law
- 3- Analyzing the causes and the prevailing economic conditions in the society
- 4- Exploring the relationship between crime and poor economic conditions

2 Method

Research method in the present study, like most humanities research is library research method and documentation. Therefore, in this regard, domestic and foreign books and articles, websites and all documents that are relevant and serve our desired goals, will be used.

3 Results

The distinction between economic crime and general crimes

The First Topic: criminological criteria related to criminal act

These criteria are linked to a criminal act and have been considered in two categories, direct and indirect.

First clause: Indirect measures

A. Geographical criteria

The physical environment is same God-given environment, weather, climate and atmospheric conditions, that influence human behavior and the social environment is family, school, university, workplace, and the political regime of the country.

B. professional criteria

Economic crime occurs in line with an individual's professional, legal and legitimate activities. Therefore, when a person in a business environment abused his superior position and has illegal relationship with woman who is working for him, he has committed general crimes.

C. perpetrator's evaluation criteria of a criminal act

The purpose of the criteria is the conception that perpetrator has about his act. This means that whether he considers himself perpetrator or not? And also what is the attitude of other members of society about the committed crime?

Second clause: Direct Criteria

A: Rules

In our country in recent years many comments and contents have been discussed in terms of economic corruption, economic corruptor, Rentiers and Aghazadeh and the most important legal resources that are studied in this regard include (Jalalifarhani, 2007):

A: Article 49 of the constitution in 1358 has been set as a revolutionary response to the political system, and talks about lawful and unlawful and illegitimate wealth.

B. Doctrines

Since Iranian law does not provide a measure of economic crime, this legislative vacuum is resolved with the lawyers' doctrines and theories. The discussion techniques in exclusive criminal books is that financial crime are discussed under the heading of crimes against property. In other words, the term economic crime is a new heading and in there is not the Exclusive criminal books.

Article Two: The presumption of innocence

In the fight against organized crime the burden of proof is shifted (paragraph 7 of Article 12) that this deviation from the principles of human rights with many precautions is acceptable in combating against serious and complicated crimes. In other words the intensity of crime danger, violates the principles of human rights and has been violated the citizens' right to privacy and the government are allowed to limit the principle of bank customers' accounts privacy.

First clause: non-penal prevention

Policies and procedures in financial corruption prevention: Article 5 of the Convention has urged member states that approve transparent rules in order to fight and prevent corruption and evaluated these documents and administrative measures regularly and ensure their sufficiency, lack of ambiguity and being up to date to prevent and fight against financial corruption.

Second clause: Penal prevention

Criminal prevention is also discussed in this convention and can be examined by following directions:

1- Resorting to the system of Sanctions:

Article 12 of the Convention addressed the sanction. Must be remembered that in the economic criminal law, sanctions are not necessarily penal and other types of sanctions such as administrative, disciplinary, professional, and civil law is also applicable in a case. While civil sanctions can be divided into two types and sometimes refers to compensation, property returning and reparations and sometimes refers to the rights of citizens and is associated with the each person's rights as a member of society. Therefore exclusion from participation in bids, which has been mentioned in paragraph one of Article 12, is a civil sanction.

Third Article: criteria related to economic criminals

The perpetrators of economic crime mainly have high IQ and social status and commit crimes in the form of natural or legal persons. However from the perspective of criminology, personal characteristics deemed to be important in this context. Criminologists believe that in an economic context and more generally and more broadly in society, we are faced with such a phenomenon. In every society, a series of objectives and purpose such wealth and job promotion for economic actors and directors has been plotted, and at the same time, it is assumed that in any society, legitimate suites and means to achieve the objectives have been presented to people. For example, for is a Iranian Muslim family, going to Hajj is a target. In addition to religious aims, it is a sign of social success and distinction.

Explaining the characteristics of economic crime and the distinction criteria between economic and general crime provides a better understanding of criminological theories that have been proposed in the field of economic crime. In the next chapter we will study these theories in the five groups. First we

will describe the Jean Pynat's criminal personality theory and after a review of Merton's sociological theory, we will describe three sets of environment-based economic theories based on political and economic environment. At the end, Merton, Korakis and Bayer's multifactorial theories will be examined (Kosha, 2005).

4 Discussion and Conclusion

Today even in France because of the relationship between economic crime and other forms of crime, especially organized crime, Stability and security of societies, values of democracy, ethical values and justice have been compromised and certainly in the long term sustainable development and the rule of law are also at risk. Thus this crime is no longer a local matter but a transnational phenomenon that affects all societies and economies and that is why international cooperation, especially civil society and non-governmental organizations are very important in line with preventing and combating it, quantitative and qualitative dimensions of this crime have caused concern that decision-makers and perpetrators of criminal policy regarding the control of these crimes be more sensitive than ever and consider the risks and criminal acts for political order increasingly (Moazzami 2010, Moazzami 2010, Najafi, 1999, Pradel, 2003).

Prevention methods are reasonably different based on the definition of economic crime, the reason of committing this types of crime at the macro level is related to a series of factors like production level, distribution and consumption, the kind of economic system and current culture in an open society, At the micro level opportunistic situational factors are more important, so prevention strategy at the micro level and in the short term, is technical-technological situational prevention that usually use difficult and risky techniques for offenders to reduce the opportunities.

By examining the legal texts between Iran and France related to economic crimes such as bribery, embezzlement, disruption of the economy, tax crimes, smuggling, we concluded that due to the turbulence and dispersion in Iran regulatory criminal policy, basically, we cannot explain criminal a coherent policy, and purposeful modern and it will be compared with known and scientific models. However, the results obtained from this study can be expressed within clauses:

Regulatory criminal policy of the country in the face of some instances of economic crime appears to be incomplete. An example of this is discussion of crimes as bribery and receiving pursuant in international transactions. In discussing the criminalization of criminal acts that damage economic system, cleansing the proceeds of crime or money laundering is one of the most important issues that with the approval of Parliament, and confirmed by the Guardian Council, In fact, the criminal policy has a tool at its disposal to confront and fight against this phenomenon.

With regard to the legal reactions, it can be said that the nature of economic crime is so that shape the laws differently. Although about definition of this crime and its various manifestations there is no comprehensibility. But by the lawyers' attempt there is a total conclusion in this field. That defines it under that economic and criminal law. In terms of economic crime there are special measures for the prevention procedure. Economic criminology is an exclusive criminology, the study of a particular crime and the causes of it. In terms of economic criminals there are specific methods of reform and socialization them. Similarly, in the international documents related to economic crimes we can witness the assigning specific material to these crimes from different aspects such as prevention of crime and to reform and rehabilitate offenders. Economic criminals in terms of being consistent with society are ordinary persons and consistent and keep pace with the rules of society, and they use the void norms governing their working environment and the context to commit a crime. White-collars

despite having many facilities want too much social success and because they do not have the legal means they resort to illegal means and methods. For the prevention and fight against economic crimes vacuum should be solved. And prepare the community to pave the way in line with preventing the commission of these crimes.

According to the results Toda – Yamamoto test, it seems that by economic development, economic crime also increases. Also poverty and crime, have a bidirectional relationship: Between economic crime and income inequality, there is a causal relationship.

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