

Merida Convention and Criminal Law Enforcement Corruption in Iran Merida Convention in 1387) To Take Action

¹Ghobad Naderi, ²Ali Safari, ²Sara Beigzadeh, ²Korosh Fatahi and ²Arsalan Saydi

¹Faculty member of Payame Noor University, Iran

²Eslamabad-e- Gharb branch, Islamic azad university, Eslamabad-e- Gharb, Iran

Abstract

Expansion of economic activities from business activities In recent decades, which coincided with information technology The dimensions of national, regional and international causes Irregular Increase Economic Crime Of the bands Resorts to practices Has varied And this as one of the strategic issues, Attention of the international community To have focused Merida Convention on the Fight against Corruption And Bribery at the United Nations signed a large number of government agencies have been Inspired by defining new policies The types of crimes as corruption And on account of diverse and repressive responses (Criminal and administrative) And prevention of corruption has emerged against them is . Review attention of criminal policy Merida Convention against corruption This is why the new regulations could be in the light, sophisticated and efficient This document is a legal vacuum in international criminal law in Iran Realized against corruption And criminal policy in order to develop a preventive policy (situation – socialization) helped against corruption With regard to corruption in the Iranian criminal law had merely state and also legal persons not included. Iranian lawmakers considering quickly getting the privatization process And the incidence of crime In private institutions The natural or legal persons must about Comprehensive legislation Based on progressive principles set forth in the Convention Merida (According to Iran to join in 1387 Merida Convention) act

Keywords: corruption, Merida Convention, repressive responses, response prevention

I. Introduction

Government alone can not begin to deal with these crimes.

In the past, the only crimes such as piracy, slave trade and certain war crimes as transnational crimes, known and Qyb escapes were the early 90's, society realized the importance and cons crimes of corruption (bribery) over traditional and transnational crimes, so even the existence and independence of the state is threatened. Due to globalization, new forms of crime, and Brvzpyda has emerged as a significant threat to the delinquency Ashkalnbyn dangerous thing on the subject of security, peace and sustainable development of human society is considered.

At a time of enormous progress that mankind has achieved in various fields, full of passion and joy has been watching a little boost of unprecedented economic phenomenon of corruption and bribery as a wave phenomenon, especially in the area of tremendous national and international are international [1-4]. Changing forms of international crime, particularly crime of corruption, the need to enhance cooperation Intensification of international criminal organization involved in national and international levels to further suggests. These conventions provide massive gains in cognitive development. Penal system should be able to intervene between "preventive" and "oppressive" nature of an international criminal organization provides the tools and conventions such

as the Recommendations and effectively fight crime, using.

It should be noted that the Svrtaml between criminal law and civil law International criminal law, criminal law principles and institutions of modern classical order of convergence with the International Criminal moderated, so much has changed. Tsvyf a more international approach to international documents must also consider. Definition of the term "corruption" and «corruption» no matter the Iranian penal code, the definition of "corruption" is not stated [4-5].

But with regard to some of the material in Chapter XI of the Penal Code and Article 3 of the law the perpetrators of severe punishment, "corruption", embezzlement and fraud can be "corruption" can be expressed in this way.or indirectly receive [6]. Should he escalate in Article 3 of the law punishing perpetrators "Akhtlasv bribery and fraud" Mslt Act of the Assembly of the "corruption" states: "Each one of the servants and government officials, including judicial, administrative, or municipal councils and revolutionary institutionsfulfilling the task or not, or whether it was or was not effective.

What administrative access to the property or property access. If the second paragraph of Article 3 of the Penal accuracy refers to the funds or property Makhvzh and any reference to a payment or submission of documents is not mine. Mrtshy result in

actions that do not have access to the property or money "corruption" has never been achieved and efforts to "bribery". An employee who has been bribed realization of "bribery" This is subject to a civil servant, knowingly and with intent to abuse or to serve as a way to get from Rashi [7]. The definition of "corruption" in the Iranian penal code, "Merida Convention" applications and contains key words that define the topic as some of them capture confiscation of property, the proceeds of crime to pay public servants. Recording in some dictionaries Persian word meaning to seize, hold, maintain, strengthen, and maintain the archive. Recorded in a given culture means to preserve, maintain and occupy come. Provisional arrest and detention object you hold it temporarily without dispossession of the owner of the property Two. Permanent cessation of occupation and expropriation of property in the object always owns all or part of the property. General concepts and definitions of words recorded in a variety of criminal law, including arrest and detention facilities and confiscation, fines, closure and sealing of the closure of the institution, it is appropriate to be used in the Convention, "Merida" word recordings The meaning of the prohibition of temporary transfer, conversion or transfer of property lien, or prevent the transfer of assets is based on court decisions and authority. It follows from the meaning of the word record, depending on various situations, with a variety of concepts. Requisition Expropriation can be said about the meaning of the root word means to cancel and return tops and Culture Amid the confiscated wealth means to force someone to come Vtavan fine record ransom fee.

General confiscation of property is charged against the property, whether movable or immovable, under the law of the competent authority and the punishment is very effective and severe frightening aspect is in full. property from the "Bribery" and it removed the material (588,590, 593) of the Penal Code and Article 3 of the perpetrators worse "fraud, embezzlement and bribery" is quite clear. But the Convention "Merida" property to any property, whether corporeal or incorporeal, movable or immovable physical, spiritual, or any document or instrument evidencing rights or the rights of sovereign assets associated with this property is called. The concept of public servants in the employee's rights in Iran to discuss what is the angular variable.

Public servants in administrative law concept of a public employee of a broader concept that different groups that serve them and for corporate entities have Mvmmmy Do you like public servants, employees of state enterprises and banks, state-owned enterprises, village and city councils, their affiliated companies, employees trade regimes such as the Bar Association, the Chamber of Trades, public service officers and those serving in the judiciary, legislative and independent institutions They are in place. Despite this stipulation, the forces meant to serve the

government and public services is still a mystery Halh [7-10]. Even though such a definition, the Convention stipulates that the terms of the civil rights of states to define and implement what is known. Three words: repressive effects of Criminology and Criminal preventive policies in Merida Convention against corruption responses of repressive The new definition of criminal policy, including all manner of "repression" of both criminal and non-criminal.

There are some people in dangerous situations, sometimes dangerous actions, defense of public interest and the protection of the values accepted by the community, which requires Mjzathayy be predicted. Thus, the criminal law can play an important role. The main task of the criminal law, which is applied to suppress the values of public interest and public order are widening. Criminal law will always be debate on crime and punishment, the authorized methods of responding to crime and forms of these, the subject matter is criminal law. It must be said that the repressive role of criminal law, including roles is undeniable and inevitable.

Every society in the process of criminal reactions to the show, some of these reactions can be considered in criminal law as authorized. Public order, public interests, values and promote the preservation of their rights and the suppression and punishment of the perpetrators of the issues that need to be created. Criminal law, before any other task, the repression and denial of the truth of this feature, the denial of criminal law. Repressive role of the criminal law, does not mean that the only benefit society considers criminal law, in fact, several aspects of the crime situation, so try to avoid committing the offense again.

The Scribe criminal justice school, absolute Kardkrd punish the donor has paid the penalty and the punishment of offenders in the overall situation, as a rule, are discussed, the school, the community has a right to liable for a criminal act, react and Mjzatzpalsy in front of their criminal acts.

One of the most important functions in the traditional criminal law that legislators have emphasized Nzamatkyfry attention, the oppressive rules of criminal law and rules of general economic criminal law in particular through the reaction of society against the perpetrators of economic crime. The main purpose of an economic criminal law in all penal system undeniably the "repressive" that all scientists agree on it.

Means of the function "repressive" economic criminal law does not mean that the reaction of society against crime is a form of research, Mjzathayy repressive forms can be foreseen in the law. A preventive Prevention means "apply the precautionary approach to Jlvgyy of mental and physical illness" or other precautions to prevent the birth of unwanted events. Abnormality in any of the three dimensions to prevent a call. Pyshgyy admit that everyone is

welcome and wisdom to treat the "primacy of prevention over treatment" of the mind and the famous "Wisdom is prudence requirement" or that they "should be treated before the occurrence of the event," the This is the crucial point.

But in no way does Rajbran its harmful consequences. Crime prevention is one of the branches of "applied criminology" which is the science that studies the prevention of crime and to determine ways of achieving this goal. Prevention of Criminology, out of the penal system, and it is true: any action that would prevent them from committing crimes.

In other words, any action that aims to reduce levels of crime In terms of "prevention of crime", proactive responses to the phenomenon Kjrmanh, "is an act of non-violent action and the nature or the health status of communities to address the causes of crime or the blink of the situation and Prior delinquency status, are adopted. Thus, prevention of non-violent action is that the nature of the economic, cultural, social and state order to be sociable and people-oriented law or protect the target object is applied. provide for the control and containment of criminal attempts.

Through a series of criminal acts impossible, more difficult or reduce their risk. The concept of "preventive criminology" consists of components that can be referred to as follows:

1. Preventive action, non-violence, peaceful and non-coercive measures, the sanctions of the criminal proceedings and general sabotage of the criminal law, whether it Szdahy of reform or rehabilitation, they would be out of scope and broad concept of preventive criminology.

2. Preventive measures, measures that directly and specifically dedicated to preventing Yafthbashd, the indirect effects that prevent Bshmarayd.

3. Preventive measures that act directly on the transition process of "thought criminals in the act" Tasyrbgzard and thus reduce the severity of impacts and losses resulting from the crime.

4. The individual and their surroundings into consideration. Taken on those who have committed crimes and finding the causes and education, treatment and destruction in their path Zmynhartkab crime because the person committing the act unconstitutional is Bzm criminologists, before an offender, a victim.

II. Recommendations and conclusions

Approved by the Expediency Council, expected on 08.20.1387 Bribery in the private sector, including the Iranian penal offense in addition to the public sector to the private sector must be applied.

References

- [1] Abvlmhd, Abdul, administrative law Iran, Ch IV, published by Birch

- [2] Ardebil, MA, (1387) General Criminal Law, vol 2, Tehran, Miran Publishing
- [3] Actor (doctor) Yadu'llah (1376) fraud, embezzlement, bribery in Supreme Court decisions, legal publishing Tehran
- [4] King, M. (1363) Comprehensive Persian Culture, Volume 1, Tehran, publishing Khayyam
- [5] Habib M. (doctor) M. J. (1381) Criminal Law malversation of Iran, Tehran, Tarbiat Modarres University publication
- [6] Dalmatian Marty, to Ray (1381) Dictionary of International Relations and Political Science, UK terms - Persian, vol I, Thrn, publishing prowess.
- [7] Dekhoda (doctor), AA (1342) Dekhoda dictionary, Tehran, Tehran University publications
- [8] Razavi, M. (1386) Penal Law of the armed forces, Tehran University Press police forces
- [9] Leader (doctor), F. et al (1381) Recognition of the problem of corruption, c 2, Tehran, Tehran Faculty of Economics of University Jihad
- [10] Solomon (doctor), S. (1382) Transnational Organized Crime, the first lab, Tehran, Tehran Press top