

# The Criminal Policy of Iranian Legislation toward Prevention of Drug Crimes

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## ABSTRACT

The aim of the present study is Legislative review of criminal policy towards the prevention of drug offenses. Position, role and importance of law in society makes an order, regulation, reduced social costs, etc. The basic principles and logic to struggle with drugs is law. Man in resolving conflicts and social problems are inevitable that act through the law and achieve the comfort and ultimately to be blessed. It brings a sense of urgency for researchers that in Iran what is the status of preventive law? However given that drug crimes and has become one of the most sophisticated and the most important organized crime, Damage of personal, social, political and economic is essential to deal with criminal comprehensive policy. In this study, we tried that through the analysis of criminal laws on Drugs and Crime expression of positive and negative reactions to criminal and non-criminal laws in this area identify Shortcomings and effectiveness of the actions of the Iranian penal statutes and In order for legislation to date and in line with the international community provided an Strategy in the prevention of such crimes. The laws and harsh punishments on offenders, as well as recent reforms have so far failed to reduce the population of this area. The findings suggest that in addition to preventative legislation other factors should also be considering including Education of the public, even from childhood onwards, Deprivation and employment and the legislature before enact should consult with sociologists, psychologists, doctors and psychiatrist.

**KEY WORDS:** Criminal policy, penal policy, law and legislation, prevention, drug

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## INTRODUCTION

Contamination of the drug is a phenomenon that Expansion and the extent to which has caused to be seen as a phenomenon. The main action of the legislature of any state in the field of drug offenses is Legislation that Expected be affecting in the prevention of crime, particularly drug crimes. The Purpose of preventing criminal is Intervention agencies of the criminal justice system to reduce recidivism and to reform the criminal offense and penalties to deter him and others to create fear and panic. Preventing non-criminal and non-criminal organizations is involved in pre-crime. It should be stated Prevention of criminal legislation on criminal policy in Iran Unlike other criminal prevention is focused by legislator. Care should be thatfighting drug-related offenses has undergone many changes in our internal rules. (ASADI,2011)The reason is that Consumption and drug trafficking as an international crime is the violation of internal public order and The International countries. Confronting and combating it requires a strong legislative and policy impact. In this study there is an investigation into the criminal legislative policy before and after the Islamic Revolution in Iranand Survey on Drugs and Crime and its history and its related laws in Iran and the international community. (ASHOORI,2001)

### Statement of the problem

Criminal policy in general definition includes scientific orientation and ways to fight against the criminal phenomenon (Najafi, AbrandAbadi2011, Preface, introduction to criminal policy 40). If we add to that the legislative provisions, at its core are the rules we have to follow the differential.Governments to maintain security have raised as the prevention of crime and recidivism (prevent criminal). Given the track record of this kind of prevention States in the last decade of his criminal policy are considered Measures of social, economic, cultural and situational factors in order to remove or restrict the opportunities for crime (preventing non-criminal). It should be noted that the act of the legislature of any state in the field of drug offenses is Legislation that is expected to discuss the prevention of crime, particularly drug crimes affect. (ASADI,1995)

What we're looking at is that for drug offenses which just a preventive way to such offenses which method is adopted in the prevention of crime at Criminal legislative policy. (AGHABAKHSHI, 2000) Obviously, this analysis will be subject to the outcome that what weaknesses is in the country's criminal justice System and the International how far is the Criminal legislative policy of the international instruments on the prevention of crime drug?

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### **The aim of the research**

The purpose of the study and analysis of criminal laws is on drug charges and expression of positive and negative reactions to criminal and non-criminal legislation for updating the comprehensive legislation through coincide comprehensive legislation on criminal policy with international treaties and international developments and Meet today's needs and problems. Society be devoid of substance.

But in this fight last resort to law and criminal penalties it must be remembered enjoying the attention and participation in criminal policy and social punishment and prevention.

### **Research questions**

1. Policy emphasis shifted to what areas of criminal legislation in relation to the prevention of drug-related crimes?
2. Which of the developments is consistent in the prevention of criminal and non-criminal law and the provisions of international instruments and global approach?
3. Which are the most important weaknesses in the legislative criminal policy for drug offenses?

Research hypotheses:

1. The criminal policy of preventing non-criminal penal unlike legislation is to prevent the stress legislator.
2. Criminal legislative policy in some areas For example is encourage addicts to treatment in accordance with international standards and in some cases For example, the expected sanction of confiscation of property crime has distance associated with drug law with the international standard .
3. Designated as the competent authority of the court proceedings and non-judicial staff training, Restrict the accused's right, predict the death penalty, less Attention to the need for confiscation of property and etc. is the most important weaknesses in the criminal policy of the legislation.

### **Methods of research**

Research and drafting of this paper has been to the library and check books and In addition there is the plethora of articles and Internet research that the existing shortcomings minimized. Subject to legislation and better crystallization there have also been used Books of our distinguished jurists.

### **Conclusion**

Penal policy is set answers that Puts the power in the name of society against the criminal phenomenon. Three theories of criminology major crime in this regard, including the creation, criminalized and regulate, each offer horizontal line facing criminal policy makers. (ASHOORI, 2001) The policy contains certain parts and Criminal law that defines the behavioral constraints and sanctions deals makes a small part of it. Other sectors, such as crime prevention, criminal justice system performance assessment (prosecutors and the courts, the prison system and device information and intelligence agencies) is also in the process of consideration. The criminal policy of criminalizing is more prosperous in Iran. In the criminal response to the drug problem the suppressive effect of the death penalty and life imprisonment is directed towards the use of corporal punishment. The law was intended to prevent crime and should be considered as important and would be the adoption of a national integrated approach to control and curb the scourge of drug abuse. Certainly, social security problems occur if the drug issue should be much more important to know. The prevention of crime In line with the law is to be formed should be prepared to see this important Structure and organization. Unfortunately, we are witnessing a slow process of attrition in the formation of the organization. There will be less Measures of criminal law and legislative policy. For example, the main emphasis of the new amendments is to the legislation of the patient's drug and crime prevention. It should be noted in the context of other reforms in the context of encouraging voluntary drug treatment and to postpone their pursuit of international standards and in the field of crime prevention is also consistent. (AZIMIYAN, 2008) The major disadvantage is this law is Criminal inappropriate policies on drug addiction and Determine whether or not it is a drug crime. However, the expected sanction of confiscation of property related to drug trafficking the recent reforms have been unreasonable regressed and retreat that is not comply with international regulations on the prevention of crime. In the current laws of our country there are many flaws and ambiguities including their mismatch penalties on crimes that cause unfair to punish the perpetrators or will be Violators fleeing from justice. This essay are legal problems led that is not possible the possibility of achieving the desired objectives of the legislator. In practice, the possibility of applying the law of the perpetrators of these crimes have been impossible Because of the special structure of the Supreme Court rules on drugs to monitor the performance of the courts and Proper implementation of the law is not possible as stated in Chapter III. Therefore, despite the ambiguities and errors of law in the country penal policy is not run appropriate. Another criticism is the law of the drug into the Expediency Council's intervention. According to the constitution, the judgment of the Expediency Council Command of Imam Khomeini and leadership and legislative authority has no current legal. But we see that has passed the fight against drugs. If the problem is viewed as a cross the common law must be passed in Parliament and the Guardian Council approved pass. Court proceedings as the sole reference to the crimes of is one of the

major weaknesses in the policies of criminal legislation. Now the courts form of the procedure is envisaged in the fight against drugs and The Supreme Court is not monitoring the performance of the courts. Moreover, despite the shortcomings of the legal Personal tastes are shown in court sentences and has led to the fall of the legislative goals. In similar cases the courts impose criminal penalties on different offenders. According to the previous discussion about the evolution of the law, Sanctions provided for in the laws have always ascending relating to drug offenses and Government, although sometimes added to intensify the struggle and fear and aggravate the penalties prescribed by law. So there is not only any success, but also Small convoys of drugs have become large international drug gangs and every day added to the complexity of this phenomenon. Now the phenomenon of drug use and addiction has become an insurmountable problem in the eyes of many of the officials involved. This frustration in combat has led to stagnation in the procedures. This will be the first official one-dimensional approach to the problem and Secondly shows non-appropriateness of sanctions foreseen in the legislation. For example, penalties (fines, confiscation of property) is possible for the drug traffickers that Forces responsible for the rapid and timely action act to identify the assets of these individuals. Now do not pay much attention to this important and many property dealers withheld of view officials and makes it impossible to implement the court order. Comprehensive legal representation, are factors that should be considered when drafting legislation. In this case Judges and other people need to go to the other rules of construction. Now many of the crimes were not anticipated in the fight against drugs. Determining some of the defendants should be considered with other legislation. The law should be composed by a panel of experts in various disciplines such as physicians, psychiatrists, psychologists, criminologists, sociologists and lawyers to consider all aspects of this phenomenon. (AZIZI, 2010) The prospective legislation on all sides can be one of the factors contributing to the elimination or restriction of the phenomenon with predictions necessary facilities and appropriate sanctions and considering the circumstances of the particular characteristics of the country. Laws reforming is necessary with respect to changes in environmental conditions and cultural and scientific progress and should be modify the physical and financial penalties. One of the very important sciences in modifying legislation is stylistics Act (the codification). Use words, phrases and words outmoded and obscure is among the problems with the current laws of our country. As mentioned the debate on the anti-drug law. Many phrases and words of this law is not rational legislative purpose. This leads to a dual interpretation and inconsistent sentencing judges. It is essential that science professionals apply to enact this important issue and bug fixes. One very important factor in our failure to deal with this phenomenon is Authorities less attention to the causes of crime drug trafficking. Due to the lack of widespread poppy cultivation in the country and drug entry into the country from abroad in large, this is an import problem. For this reason, protection and control of the borders is important so that if it is well to be considered, can be Factors to attack this phenomenon contributing to the elimination or restriction. Because our country's borders in a specific situation prevailing in their regional and geographical conditions, there is not a hundred percent control you can allocate the necessary funds and equipment of border guards and road development around the country and Creating more stations and get help from other police forces such as the army to raising the security level as much as possible. Our country is one of the most important transit route for drug trafficking highway. So Combat international drug trafficking gangs requires the cooperation of all countries and international organizations and the implementation of the Convention. Given that Iran has signed the Convention of 1998, predict the contents of the Convention on the law subject to its provisions and Greater cooperation with neighboring countries, especially adjacent countries can be effective in raising campaign talent. (RAHMDEL, 2008)

Another important factor in drug transport is distribution of poverty, cultural, social and economic in frontier areas. Helping to resolve the economic problems of the people and create jobs in that regions and Deprivation and creating cultural facilities and health centers and the development of commercial enterprises can prevent Aboriginal people log into their assistance in carrying drug trafficking gangs. One of the most fundamental issues is to strengthen preventive measures to combat drug offenses. In many cases, criminals and drug reform involves high costs and procedures involved in numerous and many forces. Strengthen preventive measures is to prevent the waste of resources and reduce costs. In this context, the media have become more active and Broadcasting and its role in the introduction of this social dilemma And the consequences of it with the help of experts and scholars is one of the contributing factors is the in various disciplines such as psychologists, psychiatrists, sociologists, social workers, doctors and lawyers. (ZABHI, 2014) Development and prevention of crime, drug addiction rehabilitation centers and its facilities by appealing to the cultural, economic, social, employment and combating poverty and corruption tends to discourage people from using drugs. To achieve these goals, the legislator Penalties also adjust the penalties to give more authority to the courts for individual. Addicts need to be separated by material and specific programs for each of the categories. The mixture is allowed to adopt drug treatment programs and makes possible to correct. The high rate of inmates in state prisons and concentration and lack of space and lack of separation of offenders and victims In connection with various offenses has been Problem of addiction and drug-related crime has been. First it is necessary to addicts and drug dealers were isolated separately from other detainees. (ZAHEDI, 2011) It is also possible for them to provide remedial programs and also prevent Contamination of other convicted criminals.

The prisoners are also classified according to age and each age group will be assigned to a prison ward. Surveillance following the release is of important issues. Appointing a good job, the necessary assistance to the families of prisoners and detainees, control and evaluate their subsistence activities is the other measures which can be effective in removing traces in this social scourge.

### **Proposed research**

Drug-related crimes to the dignity of the state depends on the national and international levels. Instead of focusing on the use of heavy corporal punishment, which has not been effective, should have involved drugs in front of the uncertainty and certainty in criminal matters to be deterred from crime. Uncertainty in the detection of crime and the determination is to implement the punishment fits the crime, evil and social damage even in small quantities. The more severe the punishment of the law, the temptation increases to commit drug trafficking and greedy profit seekers. It seems necessary to abolishing the death penalty and prolonged detention. The deprivation of liberty such as recording exile and confiscation of property, fines, cancellation of licenses and denial of civil rights from employment is workable and effective than drug crimes. Attention to fighting drug demand and supply reduction, prevention planning production, importation, drug trafficking from eastern border, Offer new strategies and programs of scientific research and academic exclusion preceded by the creation of the Southern part of the country, accurate information about the effects of drugs on families, Development of specialist medical centers and administrative units involved, the use of new information paths and activities, extensive attention to the prevention and combating the causes and characteristics of addiction, Develop a comprehensive program in all aspects of personal, social - economic and cultural authorities to justify the use of contraceptive methods, to provide reliable data on drug users and finally Tackle the root cause and try to destroy it rather than fight with Disabilities is Of other issues that need to be entered in the criminal policy. One of the important issues that can reduce this phenomenon, and can be effective in the economic development of the country is allowed repeal the ban on poppy cultivation in the country. The Act amendment of drug fighting in 2010 Legislation has legalize the cultivation of opium for medical purposes. This License is assessable under this Act and is not applicable to private sector. Although on the surface it is surprising from the perspective of many people but delving into the subject can be found in the fact given that Iran is among the countries allowed to export opium poppy cultivation, you can authorize the poppy crop in the ground that have the ability and Cultivation of other products are not only affordable and can decreases the unemployment rate for native people of the desert nomads, especially in eastern and cassette. This will prevent them from entering the trafficking and distribution of drugs and drug addiction.

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