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The Role of Criminal Law in Establishing Economic Order and Security

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Abstract:

Stability, economic order and security are the values of society. The criminal law is a place for highlighting community values and is considered as the most important and main criminal policy tools. Chaos and economic instability leads to investment escape and loss of capital resources of the country. In order to preserve resources and develop economic security of the country and to preserve economic values, government resorts to criminal law in order to create a safe, healthy, and competitive environment for economic activists as well as to prepare the ground for growth and development in various areas. On the other hand, the sheer resort to criminal law and coercive measures might have various functions such as repression, supportive function, and descriptive function, and if used in time and purposive, regarding oppressive and frightening role of criminal law, it can meet some needs of government in the domain of order and security. However, it is a fact that it cannot be a reliable support for the government in the domain of economic order and security, or it might impose huge costs on the economy and society. Therefore, it is essential that in addition to the criminal policy tools, the government must identify other effective non-criminal processes for regulating the economy and national resources through which it can follow the preparation for order, security and economic stability. In the present study, it has been attempted to study two samples of the most important and effective economic factors (Petrol and currency) in addition to determine the role of criminal law in non-criminal state order and economic security processes and policies. The present study is applied regarding its purpose and it is survey– descriptive regarding data collection. The population is changes in gasoline consumption and the foreign exchange market in the country that were selected as the sample size by appropriate stratified sampling, in a certain period of time. The data was collected from theoretical studies, library and field studies, interviews and taking notes that all of them were studied and analyzed. The findings suggest non-criminal processes have an undeniable role in restoring order and economic development in addition to the functions of the criminal law.

Keywords: security, criminal law, economic security, economic development, economic order

1. Introduction

Security is a word that has been studied and surveyed as one of the fundamental and basic concepts by political, economic, and social scholars. Nowadays, it is a political efficient tool in the hands of the political and military elite. It, in turn, has caused its concept to be so vital for many people of the world. Among various frames of security, human security is a new dimension of security that has paved its way into political, economic and legal debates. The concept is divided into various domains including social, political, economic domains. One of the most important sections of human security that has been able to affect other security concepts is economic security that in the idea of most experts, its real goal is earning secure income of people via network and a healthy economic system. On the other hand, economic security is referred to preservation and promotion of people's life style by providing goods and services through both domestic channels, and presence in international markets. Any factor that endangers its order, or aims to disturb the mentioned condition will be considered as a potential risk.

On the other hand, criminal law has been known as the best, in the other word, as the harshest sanction for private and public rights. The most important role of criminal law that is all the scholars of the discipline agree on it is that criminal law considers some reactions to protect community rights and public order, and the duty of applying punishments on people who attack to public rights is one of the undeniable roles.

However, it seems that functions of criminal law are not limited to the one mentioned earlier. In general, three functions can be pointed for criminal law: suppressive role, values expressive role, and a supporting role (Kusha, 2001: 28).

The contrast between creating economic security and criminal law is one of the significant issues in the country. One of the functions of criminal law is normalization or expression of values, and its other function is supporting and guaranteeing other norms and values that have been pre-exited or are present independent from it, and due to their importance and the need to keep all of them, the criminal law protect the values by impose severe sanctions such as penalties. Economic security is considered as one of the important concepts of the present world that has wide dimensions. Economic stability, order and security are inevitable for prosperity, growth and

development of society. On the other hand, in addition to loss of resources and facilities, economic instability and chaos lead to backwardness and loss of investment of the country, discrimination in the enjoyment of the national resources and misuse of opportunistic and violation of the rights of citizens and society. In the present study, the main issue is that if criminal law with its predicted functions is able to meet the need to government to creating economic order and security, as well as what roles non-criminal policies and non-coercive processes of government play in economic activities area.

1.1. Research Background

By studying and exploring available resources and websites, no research was found with the similar title, and only some texts were studied regarding functions of criminal law and crime and economic conditions, and due to dispersion of articles, they are not mentioned, and the theories related to economic crimes will be pointed out.

1.2. Psychological Theory (Jean Pynatl)

Economic criminal Suffers from an inferiority complex and that it is the driving force and the main motive for his power seeking. They show their complex by purchasing luxury goods such as using the latest system cars. However, it must be considered that economic criminal has such a power and intellectual ability that they can hide the external signs of power that make sensation. For example, in order not to pay taxes, they convert their property to cash or transfer them to another person.

The fault of this theory is that it judges and analyzes the criminal separate from environment and condition or a situation in which he acts. For example, an employee who intends to commit crimes, but legal and administrative controls prevent it.

1.3. Merton Pressure Theory

Economic criminal ditch law means in order to achieve the highest success symbol. In fact, there is a significant gap between the high-level goals of economic offenders and legal means of achieving the goals. Just like someone who wants to win the first place in the tournament of weightlifting, but due to lack of practice, he resorts to doping. Economic criminal creativity is created because of the gap between the material goals and legal means and possibilities having the person in a normative vacuum and lack of compliance feeling. The greater the gap is, the more the ignorance of norms and ditching law will be.

Merton knows crimes as the result of a condition created by community. He believes that community must revise the goals and prepare the achievement possibility for everyone by advertising.

This theory is dedicated to non-state societies, because, in countries having state economies, government is the greatest seller and merchant.

1.4. Theories Related to the Economic Environment

The more and more various the economic activity is, the more the areas of profit and at the same time also more crime is prepared (Gays theories and social and individual order of Mary Delmas Marty).

Causes of crime from the perspective of the theory: 1. unintended use of great powers of the firms and owners of capital. In fact, great powers need to money is provided by large economic environment. 2- because of communication of economic activists with government, their crimes are treated with tolerance. 3- economic environment is not a transparent environment, as a result, their activities are not motivating, and are not addressed by public condemnation. 4- addressing the crimes is conceded to the experts that it would undermine the outside display control of the crimes.

1.5. Multifactorial Theories

This theory is knowing crime as the result of the interaction of various factors.

A. Fontan's Theory: He introduces motivation as the reason of committing crimes by economic criminals. He knows three factors influencing motivation: (1) individual and psychological factors, such as lack of financial sophistication or past failures, etc. 2. Social factors: Judging others, the environment that forms a part of the personality of the individual gives and the person tries to save wealth in any way possible. (3) Material factors: Madness of earning money is so that it stops rationality, as a result, they commit crime.

B. Korakis's theory: he knows economic crimes caused by three historical, environmental and individual factors. He expresses historical factor in the three processes of population growth, urban development and the development of industry and technology pointing to the responsibility of legal entities. For environmental factor, he mentions two factors of community in micro-concept leading people to more consumption, and modern technology as a means of economic crimes. In fact, both factors have created new values.

The third factor, offender's character is the intelligence and cleverness of perpetrators leading to in time misusing of victims

C. Bauer's theory: This theory relies on the response of society to the crimes and examines sanctions of economic crimes. These factors include: (1) weakness in the fight against economic crime or lightness of sanctions of these crimes. 2. Connection of political circles with the circles of power and politics, they have influence in the drafting bills and because of preparing services to the power elite, they have some expectations of authorities. 3- Social condition of criminals is trustmaking condition and can create crime. 4. Technology, which facilitates the commission of these crimes by people who are skilled. 5. Globalization that can be examined from two dimensions. The first is that economic globalization has been highlighted in the form of multinational companies, and it makes economic values by these firms entering the countries. The second is spiritual globalization that happens through international documents. With economic globalization, the ground for international misuse is prepared.

1.5.1. Economic Security

Economic security in terms of morphology consists of two terms of security and the economy. The term of Security in the English language is taken from the root of the Latin word "securus" that "se" means without and "curus" means distress (Azeri, 2008: 7) and it means healthy and safe security, freedom from anxiety, freedom from doubt and ambiguity, freedom from fear and danger and having the confidence (Mirmoezzi, 180: 1990). In general, "security is a general discussion of the pursuit of freedom from threat." Accordingly, economic security is freedom from fear; doubt and uncertainty in not running of obligations and demands and at the same time ensuring the enjoyment of the fruit of activities in the production and distribution of wealth and its consumption (Puzhan, 1999: 33).

Economic security is a stable situation of current conditions and structure and a clear horizon of future in which the person, community, organization and government feel free from risk, and can pay attention to production, distribution, and consumption of wealth. In the other word, a community can be called as having secured economic when there is stability in the community and families and agents as the most important economic entities can optimize their own behavior in a healthy competitive environment and with the same level of information (Borumand, 2008, 25).

Although in the period after the World War II until the end of the twentieth century, and especially during the cold war, security of countries against foreign threats has been one of the most important concerns, and areas of military and political security has been considered more than economic security. After the cold war and the formation of new relations in international system, security priorities have undergone changes, and economic security has been mentioned as the most important indicator of national security. So that preparing appropriate grounds to support domestic investors and attract foreign investments are not possible without presence of economic security (Borumand, 2008, 35). Currently, economic security is one of the most important indicators of development. Developing countries are communities that the first and most important step for them is attaining economic security in order to achieve a desirable economic system to improve production and efficiency of resources, then, they can achieve to the ultimate goal of every system that is economic welfare or reduction of shortage of goods and services (Ezzati, 2008: 8).

Since economics has changed to an independent science among other sciences, it has created and secured its place in economic literature; to the extent that Adam Smith in 1776 has mentioned security as public goods, and its preservation is one of the main duties of government (Jahanian, 2001: 55).

1.5.2. Economic Order

Economic order is made of two words of order and economy that the literal and idiomatic meaning of these two words are as the following.

Order has a clear sense, and is against chaos, literally means to gather, Attach and contiguity between the various things (Ibn Abbad, Sahib, 1414: 35). As an example, as pear beads are in a particular string and attached to each other, so it is called ordered (Ibn Manzur, 1410: 578); and yarn or string that binds them together is called "organizer". In the other word, ordered phenomenon is a set that its elements are placed next to each other so that they can follow a specific goal. Alternatively, order is assembly of different components with special quality and quantity in a set, so that their cooperation and coordination provide a certain target.

The economy is from the word "intension" meaning "moderation".

The science of economic is one of the social science disciplines that study the quality of activities related to income and expenditure and the quality of financial relations of community people with each other and the principle and rules dominating the mentioned issues (Torabi Nejad, 1997. 227). Because of the relation between the Islamic economy and moderation, the title of "economics" has been used. In the Quran, the word "thrifty" has been mentioned that means "moderation".

1.5.3. Criminal Law

A set of general and common principles governing the realization of crimes and defined conditions by the government in definition of penalties is called criminal law. Criminal law is the reference to determine persons with criminal responsibility and determine type of punishment and corrective measures.

By defining crime and punishment, Legislative entity can prevent crime and can preserve community and people from committing crime and its damaging effects, and also can prevent lawbreakers from the consequences and hard punishments of criminal acts.

By explaining the relations of government and people, this discipline of public law qualifies government for repression of the act opposing social benefits, because if crimes damage private benefits of people of community, compensating damage and returning the suppressed rights except by intervention of government and its agents.

Since in some other rules of criminal law, the private rights of individuals are supported against each other, some scientists know criminal law as a combination of public and private rights.

It is true that in most cases, criminal proceedings are for the benefit of all damaged individuals but the main purpose of punishment is to maintain order and public peace and the benefits obtained for private plaintiff has incidental and minor aspects.

2. Characteristics of Criminal Law

By focusing on concepts of the discipline of law, the following properties can be mentioned:

- monitoring punishments

The government must enact criminal law and maintain public order. In addition, due to importance of maintaining order in society, criminal law must provide these regulations by legal imperative languages in addition to monitoring the implementation of punishments.

➤ Enforcement of public regulations

To run legal, business and civil issues correctly in society, government uses criminal law as Strong enforcement to control and deal with offenses such as fraud in business, overcharging, bad check and charity abandonment.

➤ Responsibility to rehabilitate people

Unlike in civil cases, in criminal cases, reputation, honor, freedom and lives might be at risk. Therefore, criminal law is responsible for responsible for rehabilitating people and preserving the freedom of life, property and honor of members of society.

➤ Fitness of Criminal punishment with the personality of people

Unlike civil cases where the parties' identification does not matter, in criminal cases, the actual character recognition and understanding of the motives of the crime have unusual significance.

3. Functions of Criminal Law

3.1. The Repressive Role of Criminal Law

Criminal law always gives a discussion of crime and punishment, so presence of punishment and methods of responding to crimes and forms of these responses are the most important issues of criminal law. It must be noted that the repressive role of criminal law is one of its undeniable and inevitable roles.

Some might believe that society can exist without penalty, but the idea needs to be discussed, but other writers agree on this subject that criminal law without its repressive role has no meaning.

3.1.1. The need for the Suppression and Punishment

Each society, for the process of criminal phenomenon, shows some reactions. Some of the reactions are considered as punishment in criminal law. Public order, public interest, maintenance of values and protection of persons and their rights are some of the issues that make the Suppression and Punishment of perpetrators to be required. Criminal Code, before any other task, has repressive role. In fact, lack of acceptance of this feature of criminal law equals to denials of criminal law.

3.1.2. Diversity of Principles of the Right to Punish

Repressive role of criminal law does not mean that just the benefit of community must be considered. In fact, criminal law has various aspects that regarding the condition of crime commitment, it somehow tries to prevent its reoccurrence. More or less repressive feature of criminal law depends on the Principles of the Right to punish. Thus, the right to punish and its principles can help to repressive role of criminal law.

3.2. Descriptive Role of Criminal Law

In addition to the repressive role, criminal law has the role to describe values. In other words, although the actions that disrupt public order must be punished in criminal law, at the same time, criminal law indicates various values in the society.

In every society, values in terms of economic, cultural, social and are accepted as governing values and principles. In fact, in addition to repress any violations to values, criminal law describes values; so that by studying and considering criminal law of each country, the main values of each society can be understood.

3.3. Supportive Role of Criminal Law

Ensuring the safety and protection of individual, as well as supporting these two issues are duties of criminal law. The principle of crime and punishment being legal is one of the clear principles, in fact, suggesting that criminal law not only considers its repressive role, but also tries to support security and rights of society and individual freedom. The principle has been mentioned in the ideas of Montesquieu Beccaria as well as in the Universal Declaration of human and citizen right of 1789 (Article 8) and in many international documents.

Since law, before practice, however, has not stated criminal descriptions and its punishment, the action of person is not considered as a crime and is not punishable. Criminal law is considered as an individual freedom guaranteeing law, because by explaining the attributes of criminal actions in law and the accurate definition of the prohibited acts, it allows people to be able to freely do their acts and be safe from arbitrary and without legal title pursuit. Therefore, supportive role of criminal law leads society towards freedom and democracy. In other words, the supportive role of criminal law suggests a society based on principles of freedom and democracy.

Thus, the principle of legality of crime and punishment in criminal law must be considered. Presence of this principle is indicative of supportive function of criminal law. In a penal system, the more the principle of legality of crimes and punishment is emphasized, the more apparent and the better understandable the supportive role of criminal law will be.

Therefore, the criminal law has three basic functions that all three should be considered together. A coherent, deliberate and dynamic criminal law is a law that can have the three functions, and coordinately, act with them. In such condition, it can be stated that criminal law has somehow reached to its goal to provide economic order and security.

2. Aspects of economic security

Economic security as the most important development index has two dimensions:

a. Security of investment, security of investment is an institutional framework of social, political and legal conditions that attracts trust of savers and investors, and guarantees safety of people's lives and the legal security of transactions. If security indices of investment in a society show a favorable situation, the institutional framework will be contributing to economic growth. These parameters generally include:

1. Political stability in the light of government stability, and economic performance (political stability and sound economic policymaking)
2. Public participation in the light of civil, legal and political liberty
3. Healthy legal system in the light of the rule of law and reduction of the risk of cancellation of contracts by state
4. Healthy administrative system in the light of reducing corruption
5. Reduction of political violence in the light of reduction of ethnic stress, internal conflicts and the threat of war and political terrorism.

B. security of employment and income: security of employment and income means rejection of any uncontrollable pressure on people of a community in the path towards employment and earning income in order to obtain an average level of economic welfare. Naturally, employment and income security along with security of investment will be possible, so the five indices for investment security should be the criterion for the level of security (Jahanian 2002: 15). In economic literature, another dimension is considered for economic security that is in the agenda of the national security of the country. This dimension can be called as "economic security of the state", that is evaluate by the two indices of "quick access of countries to essential and strategic goods" and "relative economic growth of the country" assessment occurs (ingahart,1994: 10).

4. Factors Influencing Economic Security

The main function of institutions is that through the creation of a stable structure, reduces the uncertainty of the human exchange. If there is no assurance in the realization and implementation of contracts and agreements, cost of transactions (negotiation and bargain) is increased and transaction is conducted by difficulty. However, if there are legal and strong institutions with enforcement, the cost of transactions will be reduced sharply and eventually it will affect on the competitiveness and the final cost of products. In other words, efficient institutions act like a safety valve while increasing security and trust in society, it reduces people's lives costs (Boruman, 2008: 56).

Generally, institutions associated with the issue of economic security can be divided into four groups:

1. Financial institutions; Banks and financial institutions, capital markets, insurance industry and financial supervisory bodies
2. Judicial bodies, the judiciary and law enforcement
3. Administrative institutions; ministries, organizations and government agencies
4. Social institutions; legislative boards, unions and guilds, commercial rooms and political parties (Ezzati, 2008: 14)

The more governments do their goals and movements within the law framework (laws confirmed by the approval of the majority), the greater ability the economic actors and agents will have to predict the future state of their community and shape their targets and behaviors based on it, and lead economy to a directed path; but, if government does not follow clear principles and rules to enact and change the laws, lack of confidence and trust in economy will increase, and the final costs of goods and services increase leading to a reduction in the field of international and regional competitiveness and reduction in the public welfare. Therefore, government can be considered as both a main factor of creating security publicly and economic security in particular, and can be a factor threatening security (Boruman, 2008, 57).

The scope of laws and regulations; and achieving economic security are not possible without a clear and stable rules and regulations. Laws and regulations are the base of performance of all economic factors, and without having laws supporting stability, and security in economic business environment, high levels of economic security will not be realized. Laws and regulations related to trade, taxation, property, foreign investment, labor and intellectual property are the most important laws that are relevant to the issue of economic security (Ezzati, 2008: 16)

The difference between the two views criminalization and decriminalization of economic activities is one of the topics of the world. On one hand, context of economic activities requires integrity, ethics and security, and on the other hand, greed for economic interests makes some people to violate to this security. In such circumstances, to maintain security of this context, what remedies can be taken into account? For example, a businessperson who does not care about regulations related to commercial offices must be considered as criminal and sentenced to prison or whip, or consider some administrative, guild or civil sanctions?

Does not criminalization of economic activities lead to cease of economic activity and competition of investors with each other? For example, the Securities and Exchange Act enacted in 2005, following some countries including the UAE, crimes such as use of stock confidential information or disclosure to secret information have been predicted (Article 46 of the Securities Market Act), without defining crime and its territory. Does not this issue cause some of investors to give up exchange? Or, for example, does not criminalization lead investors to escape? On the other hand, does not permissibility of this action change countries to a financial heaven that is also called as criminal heaven regarding prosecution for smugglers? Prior to responding to the question, it must be noted that the procedure of international organization, European Union and European council is using the legal criminal tools, and along with criminalizing big crimes such money laundering, and International bribery, they are trying to criminalize other irregularities such as lack of hygiene in food factories or overcharging, undercharging, compulsory sale, prevention from offer, and consider their sanction in the form of guild and union institutions. Therefore, using legal criminal tools will be considered just for important crimes. Criminal law has some prophecies. This discipline of law is associated with national sovereign of governments. In terms of criminal law, bad from good, evil good, forbidden from permissible, right from wrong are separated. By titling the wrong actions, criminal law

specifies the correct actions. Criminal law is the founder and normalizer law. Therefore, legislator resorts to criminal law when other legal instruments and sanctions fail to control prohibited acts. For example, leaving a charity is a civil law establishment, but because non-payment of alimony of individuals with compulsory alimony is detrimental to social order, legislator has been forced to consider criminal sanctions, because civil remedies failed to force husband to pay alimony. Therefore, it can be noted that criminal law comes to help other disciplines including economic rights. Moreover, when economic rule fails to force its follower to obey the rule, it refers to criminal law. Criminal law is trying to provide economic security and order because economic activities in an orderly and secure platform are imaginable.

At international level, the task of the United Nations is to maintain international peace and security for flourishing economic and social activities. Criminal law has instruments such as the police, judiciary, and paying fine to the public treasury and so on. However, it should not be forgotten that criminal law is treated as the last resort rather than other legal disciplines. Thus, for the bankruptcy that is a private legal establishment criminal sanctions have been considered because commercial law sanctions are not effective.

It seems that criminal law defends some economic values and benefits both at the domestic and international levels, but as the significance of many economic values and benefits is not clear for people and community, when the criminal law punishes violators of these values, the community would oppose the criminal law rather than supporting it because the violation does not have intrinsic or moral evil. This evil is new and contractual, so it does not have the necessary efficiency. For example, human easily accepts that killers must be killed in retribution, but does not accept that someone who did shortchanging or fraud in production must tolerate a heavy punishment. The community does not sufficiently understand the evil of these actions. Therefore, here is where criminal law has a problem to describe and explain crimes. In such cases, the most severe punishments do not work because this expedient is unexplained for society.

5. Economic Security Impact on Economic Variables

The impact on bank deposits: economic insecurity in the country makes the private sector confidence in the banking system is reduced. In such condition, private sector, on one hand, wishes to reduce its long-term deposits in banks and convert them to visual deposits or cash, on the other hand, the rate of loans and credits from banks increase. This makes the money multiplier and the money supply declines and in a society, due to increased demand because of various trading motives, using promissory notes and precautionary deal will increase. The higher the economic insecurity is in a country, the more the volume of cash and visual deposits will be rather than liquidity. In addition, this phenomenon leads to an increase in interest rate, investment and the final cost of products and services.

The impact on productive investment: development of economic insecurity in a country makes the economic agents tend to work in reduced production sectors. In other words, due to rising investment costs, investment particularly in productive sectors decreases, because usually economic actives go toward investment in the commercial sector, brokerage import and smuggle. The results of this condition are reduction of investment in purchasing production tools and means, reduction of production rather than demand, and reduction of employment (Hamdami, 2004:199). Reduction of production will ultimately lead to reduction of offer rate rather than demand rate and increase of inflation. Another reason for the decline in productive investment is an increase of production costs because of economic insecurity and consequently, raise of prices and reduction of the possibility of competition. Decline in productive investment is also a result of the reduction of ability to predict the consequences of reduced costs due to insecurity. Reduction of investment in productive goods leads to reduced production of needed goods and expansion of imports and reduction of the demand for labor and increased unemployment.

The impact on the exchange rate: the increased tendency of people to purchasing foreign properties due to economic insecurities in a country causes an increase in demand for foreign currencies and, in contrast, reduction of the tendency to keep the domestic currency, if we consider floating exchange rate, this increase for purchasing foreign exchange and reduction of tendency to keep domestic currency leads to higher prices of exchange and reduction of national currency value. On the other hand, if we assume constant exchange rates, monetary policymakers stand up for the rate in different conditions. So, in both cases, economic insecurity has led to devaluations of domestic currency.

Impact on prices and the purchasing power of national currencies: one of the factors affecting the general level of prices is the exchange rate; so that based on the theory of purchasing power parity, exchange rate increase that is the devaluation of the national currency is along with the increase in the general level of prices. Economic insecurity has led to an increase in exchange rate and the general level of prices, reduction of productivity. In addition, by increase of demand rather than offer, the level of prices increases. With the increase in the exchange rate, the price of imported goods such as capital, mediatory and consumable increases and the rising prices affect domestic goods leading to an increase in the general level of prices, because imported goods are directly consumed (consumable goods), or are used in in production of other commodities leading to an increased cost of production (mediatory goods) or used in the production flow (capital goods). Therefore, the cost of goods increases. This leads to an increase in the level of prices of goods and an increase in the general price. Inflation increase due to economic insecurity intensifies insecurity and increase of prices level that is one reasons of economic insecurity is affected by economic insecurity and intensifies the increase procedure of prices level leading to economic insecurity.

Impact of interest rate and investment profit: reduction of long-term deposits in the economic insecurity, on one side, and spending capital, on the other side, creates lack of liquidity for the economy of a country, and the rate of interest increases. In other words, when the inhabitants of a country, because of economic insecurity attempt to replace foreign assets by domestic assets, demand for domestic assets will decrease. Thus, providers of domestic assets try to replace foreign assets with the domestic ones, so the demand for domestic assets will decrease. Therefore, to encourage citizens to buy domestic assets; providers of domestic assets increase the rate of

the expected return. In fact, raising interest rates is a way to boost demand for domestic assets. Rising interest rates affects investment and the benefit; so that on one hand (due to the inverse relationship between investment and interest rate) increasing interest rates result in reduced domestic investment and on the other hand, since private domestic assets providers are often productive and industrial institutions and firms and (that for financing their own projects, they try to supply domestic assets), rising interest rates increases the cost of these institutes and thus decreases their profits. In addition, economic insecurity as the result of an increase in the risk of investing in society decreases the expected benefit; because reduction of investing risk requires some costs that in the case of lack of risk, there is no need for the investors to stand the costs (Kamijani, 1994: 5).

The impact on the balance of payments: in the insecure conditions of economy, on one side, the production power of society decreases, and on the other side, due to preference of residents of a country to keep foreign assets, demand for imports (due to lack of supply) increases. It means that demand for goods, services and foreign assets increases and meeting the needs of each of these requests and demands needs currency resources. Also, due to the increased cost of investment in conditions of economic insecurity, the final price of domestic goods will be higher than the international prices. Although this feature makes the locally-produced goods to have no ability to compete with foreign goods due to high prices, and the demand for exporting goods and services of the country by the other countries decreases.

The impact on the tax base and revenues of government: the impact of economic insecurity has increased the size of the underground economy and reduced investment in the economy. This has a negative effect on tax bases of government, reduces tax bases, and results in reduced government revenues. As a result, countries facing with budget surplus, budget surplus are declined and in countries facing with budget deficit, the deficit increases. Another negative consequence of reduced tax revenue is reduced government power in supporting planning and policies stated in the national economy. This will reduce people's trust in government and government legitimacy will be damaged.

Impact on revenue distribution: but due to the economic insecurity and rise in the exchange rate, the rate of revenue and wealth of poor people is reduced, and pressure on them will be more. However, the wealth and revenue of a limited number of citizens that have taken their assets out of the country not only does not decrease, but also increases because of increase in exchange rate inside the country and higher efficiency of assets out of the country. Another variable leading to increased economic insecurity index is an inequality in access to opportunities and resources. Economic insecurity is the result of the inequality, and unfair and inappropriate distribution of resources and opportunities ultimately leads to the unequal distribution of income; so that any group that has better integrate resources and opportunities increases its gap and distance with other groups and people; that it can lead to enhancement of economic insecurity. In the other word, economic insecurity, on one hand, can be the result of inequality in access to resources and opportunities, and, on the other hand, because of economic insecurity, this inequality and inappropriate distribution is intensified.

5.1. Non-Criminal Policies and Measures to Establish Economic Order and Security

In this part of the article, two samples of non-criminal measures of government (reform plan and control of fuel consumption and determining the mechanism for establishment of exchange center in order to control the foreign exchange market) that have been designed and conducted to create economic stability and security in the recent years.

5.2. Measures of Government to Control Fuel Consumption

due to Iran's sensitive geography location as well as neighboring countries such as Turkey, Azerbaijan, Armenia, Iraq, Pakistan and Afghanistan and having same boundary and access free water via Persian Gulf and Sea of Oman, a great deal of the country fuel is smuggled through land and air boundaries. In addition, unstoppable consumption of fuel paralyzes the economy of country, and creates economic abnormalities and imposes heavy expenses on government. Due to high benefit of smuggling, the tendency of various lawbreakers towards smuggling has increased, and considering that in human, economic and welfare development of communities, energy has made the need to accurate, update, and confident information of energy in different levels (international, national and provincial) increase. Reliance on up to date statistics in this field will be the basis for evaluating energy decisions and policies. Subsidiary reform plan was formally launched in July 2007 by rationing gasoline as the first step. Reviewing the effects of this policy on energy infrastructure is very important. Implementation of this plan has led to maintenance of valuable national capital and control of fuel smuggling through noncriminal policy. In addition, it has been an important step on the path of achieving goals of economic jihad in order to realize stable economic growth and development.

The process of gasoline consumption changes in the country from 2005 to the first half of 2012 is indicative of a fluctuation. In 2005, the average consumption of gasoline in the country was about 67 million liters daily. In 2006, this index with a serious growth reached to an almost 73.6 million liter that is considered as the highest annual average of gasoline consumption in the country. However, in 2007, by implementation of rationing and issuing smart cards, average fuel consumption in comparison with 2006, reduced to 12.4 percent and reached to 64.5 million liters. From 2008 to the first nine months of 2010, the average daily gasoline consumption in the country has remained about 65 million liters.

By implementing reform plan the end of December 2010, the average consumption reduced to 53.54 million liters per day, but in 2011 this decline was compensated and reached to about 59.7 million liters per day, and in the first eight months of 2012 also we witnessed that the gasoline consumption reached to 63 million liters daily.

Year	Petrol price (Rial)	Average daily consumption (million liter)	Total cumulative automobile production and import of petrol in the country (device)	Active fleet of rolling stock production cars used cars fraction of 10% (device)	Per capita of daily consumption of gasoline by active cars (L)
1355	6	13.5	638710	574839	23.48
1356	8	11,9	822811	740530	16,07
1357	10	13,8	959800	863820	15,98
1358	10	14.9	1046537	941883	15,82
1359	30	13. 1	1134063	1020657	12. 83
1360	30	12. 1	1236477	1112829	10. 87
1361	30	12. 4	1324115	1191704	10. 41
1362	30	16. 3	1481841	1333657	12. 22
1363	30	18. 1	1637872	1474085	12. 28
1364	30	19. 7	1719882	1547894	12. 73
1365	30	18. 5	1766901	1590211	11. 63
1366	30	19. 3	1794766	1615289	11. 95
1367	30	19. 4	1810464	1629418	11. 91
1368	30	21	1823081	1640773	12. 80
1369	50	22. 7	1859195	1673276	13. 57
1370	50	24. 6	1933572	1740215	14. 14
1371	50	26. 9	2037646	1833881	14. 67
1372	50	29. 4	2100077	1890069	15. 55
1373	50	31. 3	2161933	1945740	16. 09
1374	100	31. 4	2243673	2019306	15. 55
1375	130	33	2355640	2120076	15. 57
1376	160	35	2516082	2264474	15. 46
1377	200	37. 7	2706974	2436277	15. 47
1378	350	39. 1	2933110	2639799	14. 81
1379	385	42. 54	3215465	2893919	14. 70
1380	450	45. 82	3578827	3220944	14. 23
1381	500	50. 52	4092623	3683361	13. 72
1382	650	56. 28	4815839	4334255	12. 98
1383	800	60. 67	5677053	5109348	11. 87
1384	800	67	6641667	5977500	11. 21
1385	1000	73. 6	7736588	6962929	10. 57
1386	1000	64. 45	8852394	7967155	8. 09
1387	1000	66. 89	10160238	9144214	7. 32
1388	1000	64. 79	11385395	10246856	6. 32
Nine months of 2010	1000	63. 32	12487903	11239113	5. 63
The fourth quarter of 2010	4000-7000	53. 54	13992113	12592902	4. 25
2011	4000-7000	59. 7	15648945	14084051	4. 24
Eight months of 2012	4000-7000	63	16244456	14620010	4. 31

Source: IDRO, national oil products distribution company, the Center for International Energy Studies

Table 1: The process of price and consumption of gasoline in comparison with fleet of petrol consumable cars in the country

5.3. Changes of Petrol Rationing

This trend is a good indicator of the effect of fuel rationing in the country and price shock indicates reform plan. A look at the policy adopted on rationing shows that petrol rationing started in early July 2007 for the first time by allocation of 360 liters quarterly (monthly 120 liters).

Gradually, and during four years, the amount of rationing was reduced, and since the beginning of 2010, 80 liters a month reduced to 60 liters in a month that its result of the reduction of daily consumption of petrol from 75 million liters to 63 million liters in a day.

After law enforcement of subsidiary reform plan and changing the price of regular petrol from 100 to 400 toman from December 2010, the price of Super petrol from 150 reached to 550 toman and the price of regular free gasoline reached to 700 Toman and super reached to 800 toman. In this situation, the daily consumption of gasoline with a slight decrease is reached to 57 to 60 million liters. However, in 2012, due to the lack of variation in the rationing, we have observed an increase in consumption of 63 million liters per day.

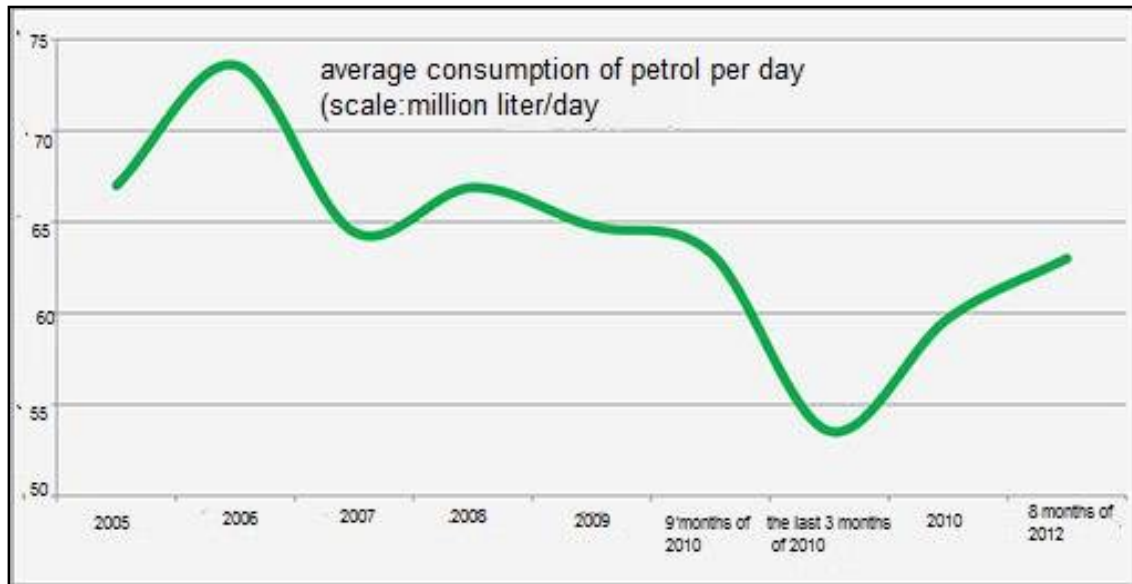


Figure 1

5.3. The per Capita Consumption of Gasoline by Passenger Fleet

Studying the process of per capita consumption of gasoline shows that in 2005, this index was about 11 liters, and in 2007, by implementation of rationing, it reduced to 8 liters. Of course, a part of this reduction was due to rationing and a part was because of optimization of the lifespan of passenger car fleet by increasing production in the eighties, that of course, the reduction of per capita is being accelerated. This trend continued until the first nine months of 2010, before the increase in gasoline prices and declining rationing, and per capita consumption of every sedan in the country reached to about 5.6 liters.

By implementing reform plan, per capita consumption of gasoline of passenger fleet that has exceeded 15 million liters in the current year shows (of course this figure has been calculated considering the 10 percent exclusion of accidental and old vehicles from the circle of consumption), during the last three months of 2010 to the end of October 2012, the average daily consumption of fuel by cars in the country has remained unstable in 4.3 liter, of course, the stability is approximate. In addition, it has grown from 4.25 in the last quarter of 2010 to 4.31 liter in the first eight months of the current year. This issue shows two subjects. First is that optimizing gasoline consumption in the country has reached to its peak, and has managed to prevent fuel smuggling very much indicating the controlling fuel smuggling through fuel card in both micro and macro levels and prevention of its smuggling by fuel reform plan.

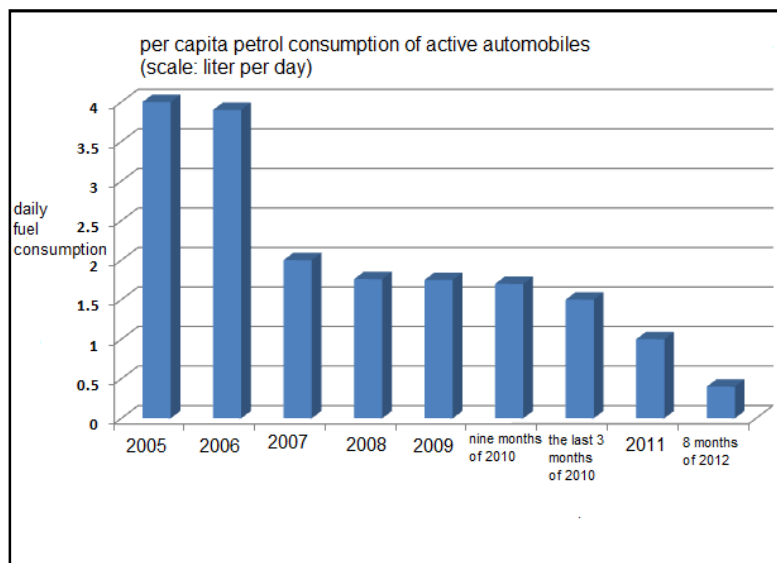


Figure 2

On the other hand, the comparative analysis between the rationing and prices shows that more than increase of prices, what has affected the fuel consumption (in the studied period) is the renewal in vehicle fleet and rationing no the price increase that occurred by reform plan. Exactly, after stopping the rationing change, we see that per capita consumption has reached to stability.

It must be noted that in the last few years, government has obtained its highest success in reduction of fuel consumption through playing with rationing. It seems that in the current condition, even elimination of rationing cannot have any significant effect on the daily consumption of fuel in the country. In addition, practically, fuel card has just the function to control smuggling. It must be acknowledged that reforming plan of consumption is one of the best measures of government to control smuggling of fuel through non-criminal policy (Adabi, 2012, 118).

2. Measures of government in exchange

After the Islamic Revolution and due to severe economic and banking sanctions, and oil sanctions and continuous statements since 2011 by United Nations against Islamic Republic of Iran and the lack of entry and exit of foreign exchange through Bank, the country faced with a severe exchange crisis. Moreover, with the present condition of Iran's economy, it has faced with severe reduction of national currency value. On the other hand, liquidity growth in the previous years, two-digit inflation as well as reduction of economic growth rate, Rial has lost its power against foreign currencies, and in addition to the limitations arising from banking and oil sanctions have create disorder in the oil and transmission of oil currencies to inside and outside of the country. In such economic ground, exchange reduction of Rial is natural and this issue made the economic activists to increase their demand for purchasing foreign currency and attempted foreign exchange (dollar) smuggling; as a result, in the market control flow, government tried to provide foreign exchange center and this center was established in early October 2012 in collaboration with the Ministry of industry, mine and trade and the Central. Government and central bank officials expect that by setting up the center, the devaluation process of the rial would stop and even reverse.

In such condition, issues such as establishing exchange market and then the exchange center of the central bank must be evaluated as the attempt of government to allocate foreign exchange to the main and real applicants. In fact, by creating exchange market and conversion of this idea to establishment of foreign exchange center, government has intended to prove the possibility of exchanging foreign currency obtained by exporting (oil or non-oil) with import, through which an important part of foreign exchange demand in informal market can be decreased.

In the meantime, in order to assess the effectiveness of the Center, several factors must be involved:

First factor was expecting too much from this center, which was created in the days before it starts. In the early days, the volume of foreign exchange in the center was about 10 to 15 million dollars per day that in comparison with demand for the foreign exchange, it did not seem to be enough. While before this issue, this expectation was created in media that by establishment of this center, the volume of foreign exchange would be so much that it would change the process of exchange market; so that it was interpreted as the foreign exchange bomb. When the activists of market understood about the capacity of the center, rapidly, this assumption was enhanced that government does not have enough foreign exchange to inject to this mechanism; therefore, purchasing foreign exchange from unofficial markets increased.

The second factor has to be the way in which rating is done in the center. According to the official declaration, exchange rate at the center is 2% lower than the rate that is common in open market. Accordingly, the center will be follower of informal market, while it was expected that the opposite occurs, that is, the market is the follower of trading room. In practice, the difference between the common rate in open market with what was common as the rate of foreign exchange in the center was more than 2 percent, and this issue increased the ambiguities of the mechanism.

The third factor was lack of supply of currency by non-governmental exporters through mechanism of currency room. It seems that the major supply of currency in this center is through the National Development Fund, the state oil company and petro chemistries that are governmental; and practically non-oil exporters are unwilling to supply the currency in this way. For this, two main reasons are cited. The first reason is that the rate differential with the free market rate. Thus, the non-oil currency supply through the private sector to this center means earning less rial than a certain amount of dollar revenue. The second reason is the expectations of exporters for further increase exchange rate in the future. Thus, sources obtained from non-oil exports either do not enter to the country, or is sold through the informal market at higher prices. In overall, this has caused the volume of transactions at the center to be less than what used to be expected

The fourth factor is lack of allocation of currency to all the applicants of imports in the center. At first, only priorities 1 through 9 are able to receive the currency at the center and it should be noted that the received exchange would not be awarded to applicants in the form of paper money. In fact, in this system, how to use the currency, the country and its location are always specified for all importers. All information will be logged in exchange portal and allocation of foreign exchange for the importation and use of it in another place is not possible. This issue is important from the aspect that a part of currency exchange inside the country is in the form of paper money that are used for works like travelling and purchasing services.

Another part has been saved as assets in houses in order to be resupplied to the market at a suitable time, and its owner gets benefit from price changes of currency. A part of the applicants of currency import in informal market from informal channels and therefore they do not have the possibility of referring to the exchange center; therefore, by not allocation of exchange to all priorities, from one side, and demands such as the demand for speculative currency (and its increase in recent months) and also the fact named the demand of currency to import informally had prospered unofficial currency market compared to foreign exchange room.

In these circumstances, not allocation of exchange to all priorities led to the suspicion among economic actors that the government does not have enough exchange to allocate to the room. Therefore, purchasing currency from unofficial markets increased. In total, the factors caused that in the early days of establishment of the foreign exchange center, the volume of exchanges would not increase as expected, as a result, economic activists faced with a great volume of applicants of purchasing foreign currency from unofficial market.

The graph of reference, exchange, and free currency in 2012 (USA dollar)

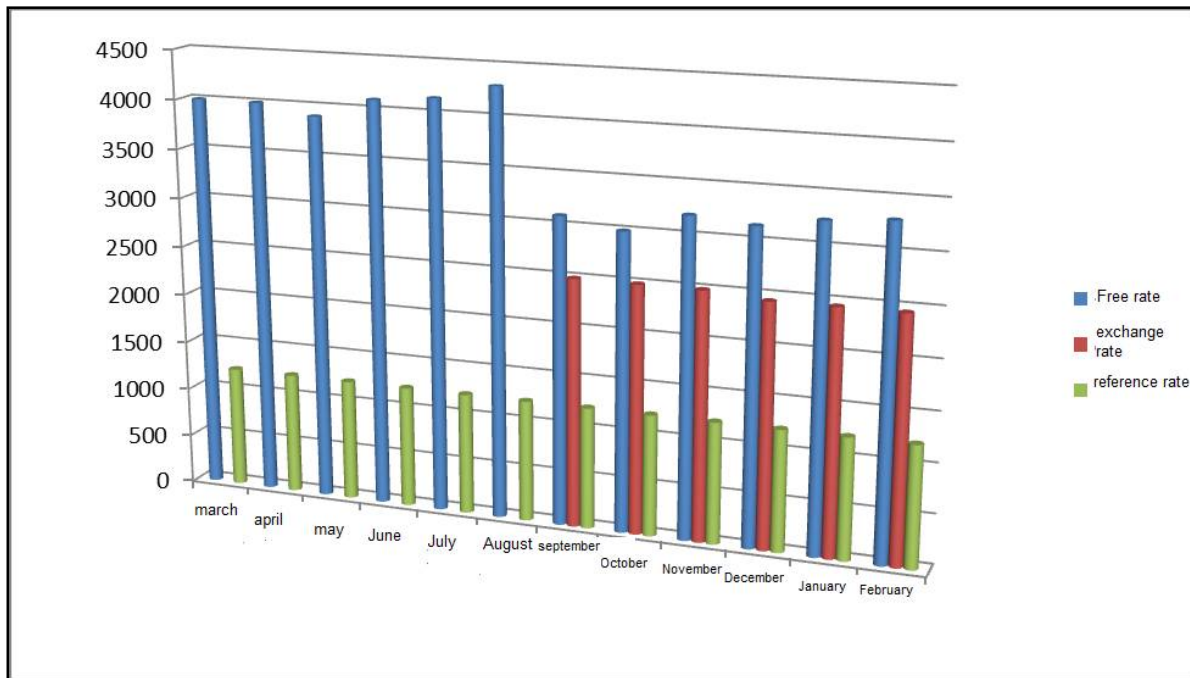


Figure 3

However, the question arises whether the creation of such a room in such a situation has been an appropriate measure?

In response to this question, it must be noted that if better options are available or not? The measure of government and the central bank to create a room has aimed to facilitate transfer of foreign exchange from exports (mainly oil) to import. While the transfer of foreign exchange obtained from oil exports into the country has been hard and expensive because of the banking sanctions, options for the transfer of foreign exchange to import use are not multiple. So, in this situation, creating such a room for the meeting of the supplier and the applicant of exchange has been a positive action. However, it seems that the government should revise some cases such as currency rating and the allocation of foreign exchange to the applicants in order to bring stability to the market (adabi, 2012: 121).

Acceleration of the gap between the exchange rate and reference exchange market led officials of the Central Bank of the Islamic Republic of Iran and the Ministry of Industry, Mine and Trade to coordinate to establish a new institution known as the center of exchange in order to clarify the foreign exchange market, guide the price of the currency towards a unified rate, avoid sharp fluctuations in the currency price (control non-bank foreign exchange market), and the supply of foreign exchange to the manufacturing sector. In fact, the primary goal of this center has been to attract more applicants of foreign currency of free markets to the exchange center in order to accelerate imports of basic materials and mediatory goods and organize currency market regarding information and operation. The establishment of foreign exchange center from the early days of the launch has made its positive impact on the gradual standardization of the exchange rate and prevention of the acceleration in the exchange rate. However, despite having buffer effect of the center in reduction of fluctuations in exchange rate, and its effectiveness in this regard, attempts of authorities to reform structure of this new market was continuous in both supply and demand sectors. On the demand side, in addition to adherence to the made priorities, a measure was taken to reduce transactions costs in this part by moving towards electronization, and by overcoming information asymmetry and ambiguities in the relationship of action and thus the demand for transactions at the center is stimulate. This was achieved in four operational phases; the first phase began with the launch of the center, only representatives of Mellat and agricultural banks were present in currency exchange center. In the second phase that was conducted in the form of the development of operations related to the supply of currency in the foreign exchange to the banking system across the country (with the participation of 20 banks), the possibility of referring importers of goods with priorities of 3 to 5 to foreign exchange branches of banks operating in the country (after order registration in the ministry of industry, mine and trade) was prepared and with the ability to reflect all relevant information to the center, physical presence need was resolved about this group of goods. In the third phase, measures were taken during which it would be possible to conduct all customers of the foreign currencies of banks to exchange branches and to handle requests by the head offices of banks through electronic transmission to the representatives of the foreign exchange. Finally, in the fourth phase, which recently is being performed, by electronizing all stages of the exchange, the possibility

of obtaining Rial from the customer and buying the currency from the central bank and its transfer to the foreign agent bank have been developed. In supply sector, attempts have been made to make currency domain more flexible by equipping the center to the currency of Ministry of Oil, Petrochemical exports, the National Development Fund and finally, export currency exchange (in the form of rapport with exporters). In terms of the performance evaluation criteria in this connection, two of the criteria of "sold currency exchange value" and "variability percentage of exchanged currency price" in the center are the most important ones. In terms of the sold currency, data on the registered number of foreign exchange- allocated orders by the central bank, in the first six months of the Activity of the Center, has been 22 thousand and 300 counts out of which 67 percent is related to goods priorities of 1 to 9. Due to the variability of the price figures of the currency exchange in the center, it must also be noted that during the last six months, the average exchange rate in the foreign exchange is equivalent of 2500 toman (with a variation coefficient of 44.2 percent), and in licensed Currency exchange, it equals with in 3113 toman (with a variation coefficient of 95.9 percent). In other words, the performance of the trade center, in addition to holding down the average price of the currency, has almost halved variability of its price (in relation to both export and import irreparable blows the). Finally, it should be noted the currency exchange market, despite being young, has granted a relative peace to the currency market making hope for community. The center can be known as one of the masterpieces of the central bank and the Ministry of Industry and Mine. due to the moderating effect of the center in relation to exchange rate fluctuations and requirements of its existence in terms of sanctions, not only accountability in relation to the functions must not be handed just to its proctors. In fact, stability of the center, as a national institution in the service of the national economy, beholds to the coordination of all economic agents on both the demand and supply sectors, especially currency supply.

5.4. Research findings

Development of criminal law in order to achieve economic security has three main objectives:

1. By criminalizing economic crimes, and non-compliance with economic rules, criminal law threatens economic law followers to punishment. Therefore, criminal law has a sort of repressive and preventive role.
2. The criminal law has a kind of descriptive role that is presentation and introduction of values and benefits. Every crime represents an expedient and economic value. In other words, by criminalization in economic rights, fundamental economic values of a society will be determined and defined.
3. The criminal law has the supportive function. This issue can be reviewed from two perspectives: on one hand, by threatening economic criminals to punishment, criminal law supports economic system, and by providing criminal security, it is supportive of victims and society as a social system and economic corruption victims. On the other hand, criminal law supports citizens against rogue of enforcers and legislators. For example, considering a fair trial procedure that protects the rights of the accused.

The supportive function of criminal law is double-sided as the following:

1. Support of the masses and various institutions against the minority of offenders.
 2. Protection of defendants, suspects and others against government, administration and judiciary through the enforcement of fair trial.
- Reviews indicate that although criminal law with various functions and tools as the legal sanctions, it has an undeniable role in punishing public and private rights violators, and provides the ground for economic order and security development. However, experience has confirmed it that violent and repressive action has just the role of a reliever, and prepares the ground for replacement of crime or change of the crime technique in committing the crime, on the other hand, implementation of criminal law is another problem that is imposed on economy, community, tax payers and finally, the government, itself. Therefore, changing the procedure of government from violent reactions and using criminal law sanctions to non-criminal policies as well as changing the processes of production, distribution, and consumption of resources such as reform plan of fuel consumption, and establishment of currency exchange center will have significant role in development of economic order and security besides criminal law tools.

6. Conclusion

Today's economic order and security is the most important indicator of development. The most important step for developing countries is to achieve economic security, so in the light of it, they can earn an optimal economic system to improve productivity and desired efficiency of resources, then reach to economic welfare. Economic security is associated with all the institutional features and specifications of an economy including organizations, laws, customs and ideology. Economic security can be defined as an institutional framework that is incentives and confidence of savers and investors, and guarantees physical security of people and legal security of transactions.

Economic security is proposed in both micro and macro levels. In micro level, security of employment and revenue is important, and in macro level, security of investment in the country is considered. Investment security is an institutionalized framework of social, political and legal conditions that attracts the trust of savers and investors. Employment and revenue employment means rejection of any uncontrollable pressure of people of a community on the path of employment and revenue to obtain an average level of economic welfare of that community. A secure economic environment is associated with a stable macroeconomic environment. Safe economic environment has important aspects and elements including: efficient Law and order, reasonable macroeconomic stability, political stability and, most importantly, the credibility of the government in the eyes of investors. In summary, it should be noted that macroeconomic stability and political stability are two important dimensions of economic security. Therefore, efforts to create a stable macroeconomic environment play an important role in the realization of economic security and sustainable growth.

Criminal law as the primary means of criminal policy, by determining economic values and interests, has always tried to develop economic order and security, on the other hand, the non-criminal policy and changing processes of governance in economic managing of community would result in economic growth and development in different areas of sources and consumptions.

7. Recommendation

Regarding the analysis of the role of criminal law and non-criminal policies of government in development of economic order and security, it seems that the most practical recommendation in this regard is enhancement of non-criminal policies in decision makings and macro- policy makings of authorities as well as reformation of effective economic structures by changing the processes of using national resources in order to minimize the grounds for misuse and discrimination in community.

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