Iran's criminal policy towards drug crime

Bayat Maryam

Department of Law, Science and Research Branch, Islamic Azad University, Tehran, Iran.

Bayat Maryam; Iran's criminal policy towards drug crime

ABSTRACT

Criminal phenomenon and the need to deal with it one of the most important concerns of human societies throughout history has been so over time and with increased crime and also discussed new methods of crime prevention and combating of crime was considered more seriously. The concept can also be one of the achievements of the criminal policy aimed at preventing crime, he said. The concept behind the crime, including crime prevention, criminal policy, which can be interpreted, but today the concept includes all other non-criminal and criminal tools is a concern. Criminal policy aimed at the use of methods and measures that need to be a massive fight. Measures the time taken before the crime, after crime, including crime prevention can be repeated. In the case of drug addiction in the various legislative measures have been in previous years. Crime and criminal negligence of the 1955 drug addict is. Therefore, prevention of criminal acts that are criminal in politics as an instrument of policy is criminal. But what is important to non-criminal law on the prevention of crime is a crime of debugging. The Expediency Council approved Resolution 1997 to the extent we see in Article 33 and 34. But the climax of the 2010 amendment appears. So what now seems, that drug addiction is allowed. But the judicial authority can order a new drug to leave the treatment center to introduce. If the offender did not addiction, and is punishable.

Key words: Politics, Crime, Addiction, Drug.

The concept of criminal policy and tools:

Initially, the policy should be carefully considered criminal and the criminal policy in crime prevention should be important to perform the necessary tools to continue to explain that this tool will be paid. The concept of criminal policy in the course of the emergence of a significant change is seen as a way of concept has become quite. It is known that the emergence of the term to the end of the eighteenth century the German scientist Fon Foer Bakh. Because the first term in criminal law books which he published in 1803 AD, was used. The Bakh criminal policy were: " Ways of using them against the repressive government reacts. "The definition of these scientists has provided of criminal policy. In fact, the policy is criminal. According to the criminal policy of the criminal law is not isolated. It is oriented toward a criminal justice purpose. After the Second World War and the emergence of different schools of criminal law, the rational and humane approach to crime and the offender was raised. Consequently the concept of criminal policy, criminal and repressive was removed and the concept was great. In light of this development, methods and tools for dealing with non-criminal diversion and crime was underlined. In this regard, concise definitions Mojez proposed by Ms. Ray Delmas Marti may be the most comprehensive and defined as a criminal policy that says: "criminal policy includes a set of methods is that delegations to the community through their responses to the criminal phenomenon (the deviation) gives the organization. is defined by comparing it with the classic definition of politics and criminal Bakh insists that the prospect of developing this field of study and has also spread to different directions, From a purely repressive methods to other methods, especially methods based on the repair or mediation, to all of the community board, provided that the organization of their responses. The phenomenon of crime and criminal diversion be included in this view. Both phenomena result of the breach or non-compliance with social rules. However, the first violation of a social rule is legislative. Lack of respect for the social base of the latter is no formal guarantee of performance. So what is understood today, the concept of criminal policy, together with responses to the phenomenon of criminal tools and criminal law is a tool for non-criminal. Theoretical and practical aspects of criminal policy thus synonymous with various forms of social control manifested. Be. Obviously, as the core of criminal law or of high stress and great visibility in the criminal policy is very significant. But the application of penal policy in the territory of other crimes are not alone. But they are around other
methods of non-criminal social control (such as performance guarantees office) or repressive (such as prevention, remedy and repair th damage, mediated), and sometimes even non-state ( repressive practices of private militia, to protest the actions of members of international organizations or disciplinary action noted that some provisions of the statute related to professional and trade organizations) is there.

Tools:

The concept of criminal policy, criminal and non criminal includes all measures and tools are. But to apply the methods and means for accomplishing this task is the need for tools. Also noted are the types of criminal policy. When the legislature enacted the law. The judge is responsible for its implementation, according to his interpretation of the law, interpret, apply to them. There are also carried out in such a matter. So for a variety of criminal policy have mentioned in this article are briefly examined.

A. Justice judicial system:

Certainly, criminal justice system is an important tool in criminal policy. Legal justice system can be included criminal law constitutes a collection of texts, doctrines and ideas, there are some functions of government agencies in their interaction with each other, including police, courts, prosecutors, prison management, the Ministry of Justice House, as far as their activities with reference to criminal law is justified, or is directly reflected in the law.

Power structure within and between the agents that make up the system. That is who decides. What are the benefits, he said. 5 (reported mass bleaching of Europe, VP of legal and judicial development of the judiciary. Judicial Development Center. First printing. 2005.. P. 17.)

B. Retribution:

Penalty for offenders is a common tool used in the criminal policy. Of course, punishes status as a policy tool in the criminal process has always been questioned by many experts, especially some of the founder of the school. It seems that despite the need for retribution, not among the most important means of criminal policy as it is now common place. Frei also compare the statistics of crime in the country before and after the recompense and the trend to justify resorting to alternatives recompense writes: "The fact that retribution against those scholars of fine classical and legislators and the public have the impression, not a panacea that will cure the social pain. To fight crime, but the effect is very limited. It is natural that sociologists call criminal defense instruments are another. Factors that produce crime destroy, prevent crime from occurring.

What is certain realism and attention to the interests and wishes of the people and the affection towards them, pushing them toward the ideal of human potential and power of the force is effective. It acts as a last resort in cases of retribution can be used as necessary.

C. security measures and educational:

One of the useful and effective tools in the prediction of criminal policies and practices of securing. These two interceptions and the most important goal of breeding and improvement can be applied to offenders.

Gradually the concept of social defenses that lead to new ways of protecting society by appealing to the party emerged from the more serious offenders were interested in securing the educational concept was developed and used. Was suggested that especially in cases of mental disorders, professional criminals and securing stray applied.

D. police force:

Recourse to the police power of the tools that are used in the process of its criminal policy. These forces for security and law enforcement in the courts are used to position and special effects in the inhibitory potential offenders are required. This means that the performance will increase your efficiency and ability to attract the public's trust, first, second, and finally the use of forces trained and aware active presence in the community, and continued to be evident.

Criminal policy responses:

As mentioned in the criminal policy, criminal policy is that all methods and procedures in criminal and non criminal, non-criminal and criminal procedures will be reviewed separately.

Criminal justice policy is the means through which law is expressed. The lawmakers also charged with drug addiction and drug use, neglect, has initially been considered.

A. Smoking:

Reform legislation passed in the fight against drugs Approved in 1376 alongside addiction, drug use and crime is like. Background Smoking is an addiction. Material handling is an amusing and intermittently, and the physical and psychological dependency to a substance that does not use. So the difference between addiction and drug use and addiction, a person can say that the psychological and physical dependence to the drug so if it finds the required deposit at the time he gets to have weakened
and loses its normal, but still in smoking physical and psychological dependence to the drug the person has not been created. The recent amendment to Article 19 of the Expediency Council, dated 2010 which was the drug has not been amended or deleted. So the lawmakers about the use of drugs has not changed and remains on the strictness of the person who will use drugs without a drug addict is insisting. Article 19 The legal elements of crime, anti-drug legislation passed in 1376 is apparent that Article 19 applied to all people and in the cerebral substance is prohibited in all cases provided that: "according to non-addicts that drug use types of penalties are as follows ... "material element of the crime is drug use in any way, and that is a way of injecting or smoking or eating.

Article 19 In determining the penalty to distinguish between two types of materials and details are as follows. Use the materials in the twenty-four to seventy four lashes and a fine of one million to 5 million USD. Materials referred to in Article 4 including Ping, hashish, grass, opium, burnt syrup, and other industrial or recreational drug is opium dross. Use of materials mentioned in Article 8, fifty to seventy four lashes and a fine is two to ten million rials. Article 8 of these substances include heroin, morphine, cocaine, and other chemical derivatives morphine and cocaine are.

B. Addiction:

World Health Organization definition of addiction, crime, stated: "any substance that the body of organisms capable of entering into one or more functions affect the performance of the drug is"

The United Nations has declared 1950 as the drug addiction: "Addiction to drugs is a gradual or acute intoxication due to the continuous use of a drug or a combination of natural causes and had a personal and social is harmful. Cashew to the Islamic Republic of Iran in 1925 AH. No. No offense if the drug was taken. In 1934 the procedure of reservation and distribution of medicines and drug approved for the provision of drugs to predict the distribution of reservation. The law prohibits smoking opium poppy cultivation and the drug was approved on 1934 approved the six-month deadline to introduce themselves to the central Ministry of Health is determined to take action to treat addiction. And under article three of the six-month period, smoking and substance without medical authorization to charge said. Amended legal bill to ban opium poppy cultivation and use of approved drugs without medical 16.03.1338 declared a crime. Article 21 of this Act, employees excluded from the job addicts and Article 23 within a year predicted to be expected if the drug within one year from the date of enactment of this Act to the Ministry of Health the treatment of the present are protected prosecutions. Article 3 of the Act and implementing regulations issued opium poppy cultivation of limited approved drug users between 16 and 20 September 1969 following 60 years and over 60 were allowed to separate. About people under 60 years of drug use other than licensed medical personnel on drug bans and quotas over 60 cards can be predicted. Legal bill increases penalties for drug crimes and the perpetrators and medical supplies to treat addicts and employment within six months of approved drug addiction 1978 Article 20 and Article 21 and Article 8 of the cancellation of the ration card issue drug use without medical authorization and in Article 18 of the Crime Recognizing the need to keep out drug addiction centers. Article 15 anti-drug legislation enacted on 1988 and drug addicts of heroin and opium and narcotic drugs in a row in the row is placed separately on the first drugs to addicts six months notice to leave about addiction and drug addicts under sixty years of the latter requires high drug addiction in sixty years, but had no such duty. 2010 on the Expediency Council to amend the Drugs Act 1997 and the first substance in non-pharmaceutical industries as well as public relations and drug side-issue or post-production, manufacturing, distributing or selling the drug use and criminal negligence in this matter. Secondly, in the treatment of addiction and has had special attention.

Amendment in Article 15 Drug Law Reform Act 2010 stated: "By referring to addicts are required governmental authority, non-governmental or private or governmental organizations and harm reduction treatment, the withdrawal must. By referring to his treatment of the addict to take action, and attest to receive treatment. If it does not refer to drugs, are exempt from prosecution. Attempt to treat the addicts or addiction Does not, are guilty. " Required to have drug addiction in this matter if the person was addicted, but the certificate is based on the treatment being provided is exempt from prosecution. Other titles mentioned here, there was no previous law, is referred to addiction. So the person is treated. If that is exempt from prosecution, is not referring to addiction. However, the recent amendment of the Law Reform Act 1997 is guilty of drug addiction and crime. Article 16 Amendment Act of 2010 that the former Act (1997) was modified only to the penalty was paid by drug users. Current Law Article 16 provided: "addicted to drugs and psychotropic substances without a certificate mentioned in Article 4 and 8 of Article 15 and referred to drug court for a period of one to three months in government centers and authorized treatment to harm reduction are kept. Deadline extended for another three-month period, the centers request is permitted. According to the report, said centers and judicial authority if the addict is ready to continue treatment in accordance with Article 15 of this Act, the material is permitted under the continuing treatment. " The second note is added to
the material. Note A has decreed: "The application of these centers and the drug court in this Article shall perform duties of care are leaving." As discussed in Note 2 suspension has been prosecuted. Thus, "judicial authority could be secured for a time and a commitment to provide the appropriate certificate under Article 15 of this Act to suspend for six months to follow, and addicted to one of the subject matter to the present. The addiction treatment centers are required to report monthly to provide judicial or his representative, if confirmed by the treatment and suppression of withdrawal issued by Attorney prosecuting the case filing and otherwise in accordance with the provisions of this Article is the deadline to apply for this Note other relevant centers for a three-month period is permitted. " This amendment, ratified in 1997 further amended the law and treating drug addiction is on the legislature and the pending prosecution and issuance of more criminal justice de underwent thoroughgoing de the prosecution intends endowments. In Note 3 to the penalty provisions set forth in Article 15 that includes a drug addict despite the suspension is for 6 months following the withdrawal does not mention is that a sentence of ninety days to six months. Amendment Act of 2010 and the Anti-Drug Act of 1997 is remarkable about the penalty points, including that:

A - For addicts who were government employees, in addition to the penalty provided for permanent dismissal from government service also predicted that the recent amendment to this item has been deleted.

B - For the former law addiction was considered a fine and whipping. I repeat that discussion in mind, the penalty for repeat offenses had predicted. The amendment replaces the current prison sentence and fine lashes, in the case of the argument has been repeated. It can be repeated on each charge was referred to the general rules.

Spiritual element also includes a science topic and general bad faith. Drug legislation is the subject of Article 4: Bang, hashish, grass, opium, burnt syrup, or opium dross and non-pharmaceutical industry is recreational. Article 8 of drugs including heroin, morphine, cocaine, and other chemical derivatives morphine and cocaine. I continued to explain that the law courts and the legislative competence of the court to deal with all crimes related to narcotics trafficking, said the legal text of the final authority in drug offenses Currently, crime and drug addiction can be addressed in court.

Non-criminal responses:

Besides the criminal acts that were described, and the failure of the measures applied to non-criminal procedures was considered further. These measures, including economic and social development in the quarter, the Penitentiaries and anti-drug legislation has been proposed that can be explained.

The fourth law of economic and social development:

This law provided for in Article 97 that: "The government is obliged to prevent and reduce social vulnerability, to prepare a comprehensive plan to reduce injuries and social control with an emphasis on prevention of drug addiction, including the following topics to take action. This axis includes the identification of risky areas and the existing social crisis in urban and marginal urban areas, primary prevention of social hazards by improving the general education curriculum and social education predict the promotion of life skills. " (Section D). And help to identify vulnerable people in social partnership with NGOs. (Eg children who live in families of addicts and addiction are prone to injury and thereby prevent the abuse of children in the future.) And prepare a national plan to combat drugs and psychotropic substances.

B. Penitentiaries:

The fourth paragraph of Article 3 of the Penitentiaries, including criminals are addicted to alcohol and drugs as well as the previously mentioned crimes, including misdemeanor offenses, there is no direct its self is held in high crime and misdemeanor in place after the eyes of the indirect It is family and community as well as barrier or deterrent to crime because the addict is considered in cases of crimes such as stealing to obtain the material is forced to purchase the materials provide. But drinking alcohol in the regulation of legal materials that have been taken very seriously about this crime, but never from addiction to alcohol and while alcohol is not talking like a drug addiction and the effects most negative in the first degree and then his family has for the person. Moreover, regardless of the punishment is not enough to prevent the crime. Security measures in accordance with Article 7 of these individuals should be sent for treatment and elimination of drug addiction treatment centers that continue to discuss this matter and conditions of these people will be dispatched. It is first necessary to adapt the treatment centers mentioned in this article should note the special treatment of offenders addicted to alcohol and drug treatment center and may be attached to the inside and is one of the workshops, agricultural or industrial or other hospitals. But if the conditions under which offenders are sent to these centers include: Has committed a crime.

Crime due to alcohol or drug addiction are drug offenders.

Thus leading to a conviction if the person addicted to alcohol or drug addiction is not a cause for him to send him to the centers. However,
currently the massive efforts to prevent crime, drug addiction has been the weakness of this matter has been resolved but in this case alcoholism is the situation still remains as before and nothing to support and has been done to help these people.

C. The prevention of addiction:

Drug law reform in the prevention of non-criminal offenses, narcotics chief of staff to the president predicted that it is responsible for prevention. However, in the miscellaneous laws as other institutions involved in prevention of crime, including police and the State Welfare Organization during the coming discussions, we investigated these activities.

C-1. Responses preventive anti-drug campaign:

Article 33 Drug law had decreed: "In order to prevent drug abuse and trafficking of such drugs, including production, distribution, purchase, sale and use them as well as other staff who are mentioned in this Act to chaired by the president and all executive and judicial action and prevention programs and public education and advertising campaign will focus on narcotics." As mentioned in the article is also anti-drug campaign aimed at preventing all forms of crimes related to drug addiction is also among them. Narcotics Headquarters within the framework of their duties in preventing the implementation of Article 34 and 33 Drug Law Reform Act of 1998 special regulations in Article fourteen and four-note entitled "Regulations for prevention and treatment of drug addicts supporting people at risk of addiction to drugs and "approved. The objectives of the cooperation and participation of various government institutions, international organizations and the civil society and people is necessary. Regulations under this Article, a main goal of this campaign:

A - Prevention of drug addiction and psychoactive drugs. B - Treatment and rehabilitation of addicts C - do the necessary arrangements after release D - Adoption of appropriate measures to protect people at risk and cultural measures, guidance, and assistance to reduce demand for drugs, as is advertising. Governmental and nongovernmental organizations working to prevent drug abuse and ministries including the Ministry of Health and Medical Education, Imam Khomeini Relief Committee, Ministry of Foreign Affairs, Ministry of Education, Ministry of Culture and Islamic Guidance, IRIB, the prison and providing educational activities, the Ministries of Labor and Social Affairs, Agriculture, Construction Jihad and force considers necessary.

These regulations are stipulated in Article 2: "The Ministry of Health and Medical Education has mandated the secretariat to coordinate anti-drug campaign will attempt to do the following things."

These measures are mentioned in paragraph 17 and the first paragraph development and equipping of specialized centers for drug treatment facilities of its presentation in order to encourage private sector to establish centers dedicated to addiction. provide, and approved by the Cabinet. "in order to do this, Ministry of Health and Medical Education Regulations 2001 established history of addiction treatment centers in the private sector has passed. Regulations in Article 3 is required to prevent drug abuse versus those in their annual budgets for the credit granting adequate coverage and financial support for families including children, spouses and dependents will be with the help of Charity The anticipated public benefit. In Article 5 of the Ministry of Education is required to adopt the necessary measures in order to help prevent addiction. Among the proposed projects to prevent drug addiction and pollution and increase awareness of educational and administrative staff and the students are parents and educators. (Section A). Among the important cases in the Journal anticipated identifying vulnerable students (students whose parents or guardians what they trafficked, addicted, imprisoned, or are fleeing), and adopt appropriate measures to introduce them to the authorities, prevention and supportive and if necessary, counseling and education for these students. (second paragraph) because the children are living in a family addicted to drugs Chemists are most likely infected. This clause in the prevention of crime is one of the examples.

Other cases have been considered in these regulations shall take the necessary measures for implementation in 1961, 1971 and 1988 on the supervision and addictive drugs.

1961 Convention on Narcotics of the National Assembly was approved in 1972.


United Nations Convention to combat drug trafficking and recreational drugs approved by the Conference dated December 20, 1988, which since 1991 has been approved by parliament and approved by the Guardian Council.

C-2. Specific responses preventive Welfare Organization:

State Welfare Organization in 1980 to the legal bill adopted by the Council of Islamic Revolution in 1980 with the aim of fulfilling the provisions of Principles 21 and 29 of the Constitution was formed. The main responsibility of this organization now in addition to dozens of official bodies responsible for prevention and treatment of addiction in the country. The main role of the Welfare Organization drug treatment and rehabilitation of addicts, but in the organization along with therapeutic measures,
preventive responses is also provided for each subsequent drug addiction will be studied.

**C-3. A comprehensive plan for prevention of addiction:**

This program since 1996 in the field of addiction prevention and compliance based on social and cultural characteristics of different regions and groups involved in practical cooperation with the provinces to develop and has been carried out. The overall goal of this program is to reduce drug abuse and addiction. Prevention plan with specific objectives summarized as follows:

A - Gain information about the risks of different groups in society. B - A general negative attitude towards drug use. C - Increase coping skills and refusal in children and adolescents. D - Increase educational skills of parents. E - Provide and develop programs and activities to satisfy social needs and mental health of adolescents and youth. F - early detection and drug-consuming individuals and referring them for treatment and rehabilitation. H - Increase support and involvement of other organs responsible for drug prevention activities.

**C-4. Five-year plan to reduce drug demand:**

Council approved the 1997 meeting of deputies and advisors in the Ministry of Health and Medical Education in order to achieve the goals and programs to reduce drug demand and the need to focus on organizing and coordinating the activities and functions of different departments of the Ministry of Health and Medical Education and affiliated organizations in internal and external communications related to chemical and drug addiction along with notification of new anti-drug law in the summer of 1998 the first 5-year program to reduce drug demand, Ministry of Health and Medical Education has been implemented is. And widespread promotion of the prevention of substance abuse treatment and rehabilitation at various levels of society and the development and promotion of drug abuse consumers and qualitative goals of the five-year plan that includes specific goals:

A - decreasing social acceptability of drug use through community education. B - Promote measures to achieve the level of culture to society and protecting skills. C - Measures of early intervention and supportive counseling for individuals at risk - The use of illegal substances and drugs are. Quantitative goals for reducing rates of drug abuse programs, mainly in middle age arrested due to drug use, reducing drug classification, reducing smoking, improving knowledge and skills and protective . However, only the level of welfare effort and preventing drug addiction is not limited and the material left in the field is wide efforts.

In the field of public projects that will be conducted under the Welfare Organization.

**C-5. Subsidy for drug addiction treatment:**

Non-governmental drug treatment centers in this scheme, subsidy treatment is considered. Is the amount of subsidy that the State Welfare Organization for the Protection of patients requiring treatment for supplying part of the costs, non-governmental centers of social welfare coverage, pays. In this scheme, women and children 18 and under 18 years of low priority to the poor, pregnant women should all have received the treatment during pregnancy. The pharmacological activities such as drug treatment and non-subsidized activities will include social work and psychology. Among the tasks of social welfare organizations during this project include:

Preparations, including proper supervision on how to identify and refer patients for treatment of subsidies and the credit is allocated.

Also, patients who are referred directly to social welfare organizations are obliged to introduce them to treatment centers under Welfare.

Identify patients for treatment of subsidies, especially in the treatment of patients covered by social welfare centers or other centers or directly to the city being presented to the validation and verification of eligibility for welfare subsidies by an expert observer of the city, the help of issued and presented again to see the leaf center.

The task of monitoring, allocation and subsidy treatment is also being undertaken.

**C-6. Preventive police responses:**

Pursuant to paragraph "d" Islamic Republic of Iran Police Act 1990 Article 8 of the police tasks of prevention of drug addiction has been announced. Police actions in response to the prevention of drug abuse prevention task force, which is offered mainly in bound materials (ie, primary prevention of drug addiction), although the police often print advertising brochures and pamphlets to inform the community of The material has disadvantages, but the bulk of preventive activities of the power supply to the threats that this effort is a primary prevention of addiction. The drug is now being given to drug addiction centers have been allowed to visit, and in this case was not prosecuted by police in dealing with such people tend to arrest them, unless the committed a crime are not. But if they stray as may be true, and in some cases is required to adopt regulations organizing them arrested and take to the municipality. More police on the efforts to combat the sale, transport and storage of the drug.
Conclusion:

It can be concluded that the total contents of the policy, both criminal and non-criminal Criminal solutions in the prevention of crime, no crime has been considered criminal acts of the past, most of the non-criminal penalties addicts, and today the methods and strategies for is the result of the failure modes that can be considered criminal, but can also prevent non-criminal legislation to control and reduce the punishment of this crime Judicial de This amendment was recently seen by the Expediency Council; Addicts tend to introduce addiction treatment centers, pending the issuance of prosecution in case of treatment for addicts and eventually cease to be pursued if the withdrawal takes place in such cases is Judicial de.

References