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Criminal policy of Iran in preventing the crimes of drugs and psychotropic by emphasizing on legislative perspective

Dr Behrooz Javanmard[1], Naghmeh Rahimi Kosheh[2]

1-Ph.D. Criminalistics, Assistant Professor, Azad University of Tehran Electronic Unit.

2- Master of Science (MSc), Criminal & Psychology Department, Tehran University of Technology, Azad University of Tehran Electronic Unit.

Abstract

Criminal policy in its general and widely concept is interpreted to all responses of the society to the criminal phenomenon, this policy in response to the crimes related to psychotropic and addicting to it, resorts to suppressive and preventive action. Although suppressive responses are use of the same punishments and penal plans, preventive responses of action such as training, making culture, treatment and decreasing the trauma. Current rule has evolutions than the past. In this rule, psychotropic which had dedicated substances only in the rule of campaign against psychoactive (psychotropic) approved 1354, explicitly and with the idiom of " non-pharmaceutical industrial psychotropic substances are paid special attention. Also addiction and especially psychotropic which have considered by legislator for the first time, with a major evolution than the last rules have decriminalized. A considerable point in this background, is special attention to supportive, curative, retraining, public partnership action through training to combat with addiction. Main problem is Iran criminal policy versus drugs crimes and psychotropic with orientation of preventive plans that writer try to survey it. In this way of macro legislative perspective of Iran that is the bill of sixth five years program of development is consisted the study pivot of writer. At the result, this discussion in the background of smuggling the drugs and psychotropic, legislator has resorted to suppressive action and strong combat as the past. Using sever punishments of execution and imprisonment for life and lack the right of intending revision for culprits of these crimes, representing suppression policy for counteracting with this crime.

Keywords: criminal policy, crimes, psychotropic, suppressive and preventive action, punishment

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Introduction

A lot of calamity and worldwide crisis from the advent time of human societies, have endangered existence and survival of humans and many of these crisis have subjected to changes even geographical and political map of the world. drugs problem specially abuses it perhaps after the war, is the second factor of making danger and crisis of the existence of human society. What is turned this phenomenon as worldwide calamity, threatening national and international security and the cause of effect on mental, physical and ethical health of humans, is its international smuggling, expanding this black and deathful trade then abuse it in the world. It is said that smuggling and international trade of drugs is the most profitable of worldwide transaction. Drugs ravages the life of the societies and humans and causes to appear the crimes and eclipses the total segments of the society in every country. Despite of a lot of attempts of worldwide organizations and many of the countries like our country, is added to addicted population of the world every day and a point that is more anxious than this, is changing the pattern of consumption from traditional drugs to industrial drugs that non-pharmaceutical industrial psychotropic drugs are from this group.

If in the past, producing the drugs need to much time and so a vast place, today with very shorter time and very smaller place, it can be produced more destructive drugs with circumstances that improvement of the technology also accelerated this trend more. This possibility, made more difficult the trend of combat with production of psychotropic. In this research, the reason of surveying the problems related to non-pharmaceutical industrial psychotropic is growing use of these drugs and changing consumption pattern of addicted persons in the society during recent a few years and at the end, attention of legislator to these drugs in recent rule approved 1389. With revolving on the history of criminal policy of Iran from the first legislation in 1289 until now, we will see that despite of a lot of legislation and even aggravation of punishments in an interval of time and exerting of severe punishments like execution and long term imprisonments , etc because of lack of an unique strategy and with duration and careful planning and sometimes hasty action and then leaving it after a while and spending excessive expenses specially in recent years , our country has not had quantitative success versus combat with crimes of drugs and proportionate with current subject .i.e. addiction and smuggling drugs . The most original the subject of present research is Criminal policy of Iran in preventing the crimes of drugs and psychotropic with emphasizing on legislative perspective following amendment of the rule of combat with the drugs 1376 in 1389 that turning-point of this rule can be known the word "ill" as addicted person, where the legislator has a turn to being criminal of addicted person versus being ill of him.

Also, it is termed as special attention to non-pharmaceutical industrial psychotropic and adding it to lawful drugs. Therefore, we try to criticize and survey this rule and mention weak and strong point, likely successes or failures. In as much as, the crimes of psychotropic consisted of macro crimes, effective counteract with this category of the crimes versus (micro crimes) consisted of its special method so that can be said in this category of the crimes ,is needed to mobilization of all institutions of the society , co-ordination between forces and cooperation and public partnership in internal and international dimensions so as strategy of counteract with these crimes has three elements (judicial, security ,disciplinary, cultural and educational elements).

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1. concepts

1-1- criminal policy

The policy briefly and simply is included of comprehension, prudence and administrating the problems and affairs of the society, in this way, criminal policy on the one hand by analyzing and understanding one special case in the society i.e. criminal phenomenon and the other hand, is related to making practicable one strategy in order to response to delinquency or deviation states. the idiom of criminal policy for the first time by Anselm von Feuerbach in the book of his penal law was used that published in 1803. From his opinion it is criminal policy " collection of suppressive methods that government reacts against the crime by using them.

2-1 - Criminal policy; pinching interpretation

Criminal politics is additional composition that reflex major penal expedience and nemesis that is taken and is performed for preventing and suppressing the crime in a society. The expression of criminal politics in western countries, for the first time, more than two past centuries, by German lawyers such as Feuerbach and clienshrod in 1803 in the format of the word " kiriminal politik" entered into the literature of penal law. From these lawyers opinion, the subject of criminal politics, study and the definition and suggesting the tools of campaign against the delinquency to legislator and different public authorities but these tools and means from the nature and the kind should be included in the framework of penal law. This is the same pinching concept of criminal policy that from the first of 19 centuries, eclipsed on penal law literature.

Also Anselm and Clienshrod by using this expression, define criminal policy as collection of suppressive methods that the government by using them, combat with the crime.

3-1- preventing the crime

According to the clause 5 of the principle 156 of the constitution , one of the duties of judicature is appropriate action for preventing the crime . With due attention to the history and human combat methods with crime phenomenon , criminologists divided prevention of the crime into two kinds " penal prevention and non-penal prevention , the expression of preventing the crime in its wide mean includes penal and non penal measures for neutralizing the agents of committing the crime and decreasing the delinquency but in pinching concept of prevention includes only non-penal plans .

4-1 - concept of smuggling

Smuggling is a Turkish word means slave and ravished and in idiom means transportation and selling forbidden things without permission of the government. smuggler is one who imports the merchandise of import of which is prohibited or transaction of which is prohibited without permission of the government or paying customs or selling it or who passes the merchandise from the deviated path. In the rules, there isn't a clear concept of smuggling. In the rule of combat with the drugs1389 in the Article 11" smuggling with arms which its punishment is execution, and in the Article 33 also discusses about the duties of army staff of combat with the drugs, has brought that: " in order to combat with the drugs and non-pharmaceutical industrial psychotropic, from each item like production, distribution, purchase and sell" without the definition of the smuggling has used the word of smuggle absolutely. From legal opinion,

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lack of exact definition about a word that has considered the crime in rule and even heavy punishments from the punishment of privation of the life to cash punishment has been considered is a legal deficiency.

5-1- the concept of drugs

according to the Note of Article 1 the rule of combat with the drugs, amendment 1376, means of the drugs in this rule, total of the drugs that in the decree about the list of the drugs approved 1338 and its next amendments are counted or by hygiene ministry, cure and medical instruction is known and announced as drugs. Clouse 3 Article 1 of convention, combat with the drugs smuggling and psychotropic approved 1988 is mentioned as following:

" drugs means everyone of natural substances and /or explained composition
in tables 1, 2 convention of unit related to drugs 1961 and amended protocol approved 1972."

6-1- psychotropic concept

psychoactive or psychotropic substances are a few pharmaceutical, chemical and industrial products which some of them have pharmaceutical aspect and are used with permission of the physician in curing some illnesses." According to Article 1 the rule related to psychotropic substances approved 1354: " psychotropic substances are termed as substances that are inserted in fourfold lists of appendix of this rule, Public health ministry in the case of drugs commission recommendation of united nations organization can revise in aforementioned fourfold lists by approving council of ministers and announce circumstances by formal journal of the country and a wide circulation press. These changes will be observable after expiring 15 days from publication history.

2- All kinds of criminal policy

1-2- legislative criminal policy

A set of obligations and generally the rule as representative and representation of plans and thoughts, determining principles and bases of criminal politics objectives. Of course the code is termed as the most important resource of a desirable criminal politics. The code suggesting thoughts and plans, methods, principles and the bases of criminal politics of a country in counteract with the crime and social deviations. In Iran law after revolution , legislative criminal politics about narcotics " bill of aggravation of the crimes perpetrators punishment of narcotics and reserved for security purpose and curative measures in order to treatment and employment of addicted persons approved 1359" and "approved of campaigning against the drugs approved 1367" and amend it in 1376 and " its executive regulation" and about psychotropic substances only specially before revolution, one rule related to psychotropic substances approved 1354" and after revolution , amendment of the rule , amending the rule of combat with the drugs approved 1389 that used the expression of " non-pharmaceutical industrial psychotropic substances" in its context.

2-2- Judicial criminal policy

Judicial criminal politics means that criminal politics that reflex on decision and courts of ministry of justice performance. After the legislator implemented its criminal politics in the format of obligations, these rules and legislator messages, is comprehended and accepted in different cases. It can be said that the rule is determining the principles and general bases of penal system of a society and has assigned its

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interpretation and collation in special cases to the tribunals judges. In the law of Iran drugs, judicial criminal policy plays important mission from determining practical strategies how to give response to drugs phenomenon.

3-2- Executive criminal policy(public)

Executive forces of every country is the other one of authorities of exerting criminal policy. How to treat executive power with the problem of deviation and crime and actually how to supervise and to perform the rules of legislative power has an important place in criminal policy that is called executive criminal policy.

Executive criminal policy, exerting substantial and effective pathways about decreasing delinquency in the society by decree and regulations. In the background of psychotropic can be said setting the plans related to executive criminal policy according to Article 33 approved combat with the drugs, " army staff of combat with the drugs". This army staff that is depended on presidency, engages in setting the plans of preventing from addiction and spreading it in the society and combat with psychotropic.

4-2-Participatory criminal policy

With due attention to spreading and growing all kinds of delinquencies and the lack of efficiency of penal system tools, participation and cooperation of all individuals of the society for preventing and counteract with criminal phenomenon is necessary. Participatory criminal politics i.e. " criminal policy along with wide participation of the society, except police or judicature in order to make more validity to a plan of criminal policy that provided and compiled by executive power and legislative power. In the background of addiction, NGOs and family's role and the other civil institutions like university, school and broadcasting is undeniable and in the background of psychotropic smuggling, cooperation of the people with the police officer and constabulary can be decongestant.

3 - preventive and healer criminal policy

3-1 - preventive and healer approach in amended rule 1389

In some of world countries, experiences resulted from suppressive measures in campaigning against addiction causes to change policy of those countries and rotating to healer and preventive measures that in our country, fortunately, it was considered in amended code of 1389.

2-3 - preventive policy

Prevention means avoiding from an affair. In preventive criminology, preventing means usage of different techniques in order to avoid occurrence of delinquency with the purpose of taking precedence of delinquency. Prevention mainly includes of the stage before committing crime that is the same non-penal prevention. In the background of smuggling narcotics and psychotropic substances, there is this kind of prevention and is paid special attention to it.

that is criminal policy of the country paying attention to non-penal prevention as well as penal prevention. Anticipation of combat with drugs army staff that is under surveillance of presidency, shows legislator sensitivity in prevention. Article 33 in amendment 1389 after expression drugs added expression non-pharmaceutical industrial psychotropic, is mentioned that in order to prevent from addiction and combat with smuggling the drugs and non-pharmaceutical industrial psychotropic from each one such as product,

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distribution , purchasing and selling and using it and also other substances which are mentioned in this rule, constituted an army staff with presidency of president and total of executive and judicial operation and prevention plans and public instruction and propaganda against the drugs and non-pharmaceutical industrial psychotropic substances focused on in this army staff. The members of army staff are following:

1.president ,2. attorney general, 3. information minister ,4. home Secretary ,5. hygiene minister, cure and medical training ,6. education minister,7. broadcasting organization chief, 8. commander of constabulary, 9. supervisor of revolution court, 10. supervisor of prisons organization and educative and security measures, 11. commander of mobilization resistance force ,12. minister of Islamic culture and guidance.

Note 1. President can determine a representative on behalf of himself for administering army staff meetings of campaigning against narcotics and non-pharmaceutical industrial psychotropic.

Note 2. For preventing commitment of the crimes of the drugs and non-pharmaceutical industrial psychotropic, government is bound to allocate a budget for this and communicate related organizations of the issue of this Article.

As it is seen, note 2 of this Article, makes the government bound to allocate the budget every year for preventing to commit the crimes of non-pharmaceutical industrial psychotropic. Evidently this budget can be used for ordinal prevention in smuggling and passing industrial psychotropic.

Article 29 of this rule also has dedicated sponsorship for Article 33 about prevention income. In this Article that amended in 1380 mentioned that related organizations are bound to settle the fines and other fees resulted from executing this rule to public income account. In order to secure the targets of national plan of combat with drugs and non-pharmaceutical industrial psychotropic, government considers required credit for executing approved programs of army staff combat with the drugs under this title in the bill of country budget annually.

Note: Approved credits of each one of organizations subjected this Article, after setting explanation of designs and executive activities and army staff's approval dedicated by management and planning organization of the country and will be accomplished agreement exchange.

Ordinal prevention has its special specifications that can be pointed to it.

1. These actions focused on special crimes and therefore, in unintentional crimes that there isn't any relationship between perpetrator and insane, at the moment it is occurred, ordinal prevention doesn't mean.

The purpose of ordinal actions, peripheral conditions of the crime. This kind of prevention, is oriented misdemeanor observer prevention and doesn't pay direct attention to criminal.

3-3- General policy of combat with drugs approval and communication of general policies of combat with the drugs in 11 pivots on behalf of leadership in Mehr 1385 caused member organizations and related to army staff of combat with drugs get out of propensity to combat affair and move based on targeted management. These policies consisted of development and pragmatic look, caused to be usual necessary equilibrium and enough attention toward combat dimensions such as hardware and software.

1. comprehensive and decisive combat with all activities and unlawful actions related to drugs and psychotropic and their prefabrications such as cultivation, product, import, export, keeping and supply products.

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2. reinforcement, development, mobilizing and comprehensive use of informational, military, disciplinary and judicial facilities for identifying, prosecuting, destruction of networks and counteract with internal and international original agents related to drugs, psychotropic and their fabrications.
3. Reinforcement, mobilizing and development of units and mechanize control systems and centralization of information in order to control the boundaries and fundamentals of the country entrance and preventing from unlawful actions related to drugs, psychotropic and their fabrications and reinforcement of special structure of combat with drugs in constabulary and other related organizations.
4. Taking preventive pathways in counteract with threats and damages resulted from drugs and psychotropic by exploiting from public and private facilities with emphasizing on enhancing religious beliefs of the people and cultural, arts, sports, educational and propagandistic actions in family environment, work, education, training, cultural and public centers.
5. Crime considering and consumption of drugs and psychotropic and their prefabrications except in scientific, medical and industrial cases and approved programs of treatment and decreasing the damage.
6. Creating and spreading public facilities of diagnosis, remedy, rehabilitation and taking comprehensive and exhaustive scientific plans with purpose:
a) remedy and rehabilitation of consumers
b) decreasing damages
c) preventing from changing consumption pattern from harmless drugs to harmful drugs
7. Taking necessary plans for social supports after curing of persons addicted to narcotics and psychotropic substances on the background of employment, leisure times, giving consulting and medical services and legal and social supports for rehabilitated persons and their families.
8. reinforcement and promotion of regional and worldwide diplomacy related to drugs and psychotropic towards:
a) Make targeted relation
b) Active participation in making decisions and related actions
c) Exploiting experiences and, supportive, technical and economical facilities of other countries and international organizations
d) Providing background of common action in preventing transit of drugs
9. Taking necessary plans for attendance and serious participation of the people and families on prevention backgrounds, decreasing trauma and curing addicted persons.
10. Developing studies and fundamental, applied and developmental investigations in combat with the drugs and psychotropic substances and prevention and remedy of addicted persons based on the today knowledge of the world and using related scientific and specialized capacities in the country.
11. Promotion and amendment of management structure of campaigning against the drugs and psychotropic in order to implementing general policies of the system and accelerating to activities and coordination in taking operational policies and entire executive, judicial and legal actions.
Also, clauses related to cultural measures and prevention of communication on behalf of leadership rank in Mehr 1385 consisted of:
Clause 4- Taking preventive pathways in counteract with threats and traumas originated from the drugs and psychotropic with exploitation of public and private facilities by emphasizing on enhancing religious beliefs of the people and cultural, arts, sports, educational and propagandistic actions in the environment of family, work, education and training, cultural and public centers.

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Clause 9- Taking necessary plans for serious attendance of the people and families on the backgrounds of prevention, decreasing trauma and curing addicted persons.
Clause 10- Developing studies and fundamental, applied and developmental investigations in combat with the drugs and psychotropic and prevention and remedy of addicted persons based on the today knowledge of the world and using related scientific and specialized capacities in the country.
It can be mentioned that leadership authority in general policies of sixth program of development (1394) in defensive and secured affairs in clause 57 about combat with the drugs and psychotropic, expressed that "holistic combat with the drugs and psychotropic in the framework of communicative general policies and management of consumption with the purpose of decreasing 25 percent of addiction at the end of program."

4- Weak and strong points of amended rule 1389 on the background of psychotropic.

1-4- Strong points

Amended code 1389, proportion to previous codes has some strong points that among them it can be pointed to following cases:

1-1-4- Combat with the belongings originated from the crime

With progress of human society, gradually the nature and the form of crimes was changed. Criminals instead of deciding to supply their daily requirements, decided to accumulate the wealth with commitment of profitable crimes. Today, the felonies that included of so much material profit, the organized form and are committed by criminal groups and often in transnational dimension. Ultimate purpose of these groups, acquiring financial and material favor that the most important distinction of this kind of criminal deeds from terrorist activities. These groups do profitable forbidden activities like smuggling psychotropic, smuggling children and women for sexual and physical abuses, smuggling armaments and then for preventing crime discovery and appearing lawful earnings and interests originated from committing profitable crimes purify these interests. Actually, for unlawful interests resulted from committing crime are reserved, they taking action to economic operation appearing lawful for legitimize resulted earnings that this operation is said laundering or purify the money.
Due to appear lawful source of money resulted from the crime, laundering caused to spread other criminal activities too. Because by effacing the effects of previous committed crime cause to reinforce financial ability of the group and criminal organization of perpetrator and this causes to facilitate commitment of other crimes. Therefore, because of organized felonies are committed in order to acquire financial interest, appropriate combat with laundering crime causes to prevent commitment of organized crimes that are preferred crime or source crime. But in combat with laundering following these purposes:
a) Preventing from spreading criminal earnings and volume of criminal organization activity.
b) weakening economic power of criminal organization with confiscating belongings belong to criminal organization to crime obtaining
c) Finding clues and reasons in order to reach high levels of criminal organization with discovering a way that laundered money traversed.
Article 2 the rule of combat with laundering 1386 have brought the definition of laundering crime in 3 clauses that looking at these definitions show that our legislator has reflected existed definitions in Article 3 of convention 1988 and Article 6 of convention palermo 2000 in our rule.

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In amended rule 1389, legislator combat with these belongings correctly and with order to confiscate them, has prevented from entering these kinds of belongings to economic cycle of the country. Then counteract with laundering is the best way of combat with the crime that instead of effect, combat with final cause of committing the crime and in as much as laundering is vital artery of transnational organized crimes, if it is cut, main motive of committing these crimes is effaced. As worldwide program of combat with laundering is the most important tools of control office of drugs and preventing from the crime of united nations organization for counteract with the crime.

2-1-4- Suppressing gang chief with smuggling networks

In smuggling, there are three groups of people, gangs chiefs and smuggling networks that are considered the biggest agent of smuggling; bearers and then retailers and at the same time, gangs chiefs have the most profit and the least risk in committing the crime. in practice, they are less available in rule and judicial authorities and retailers give the most penalty and punishment that mainly for spending their addiction engage in selling the drugs. But networks chiefs who are main factors of corruption in the society, mainly for continuing their unlawful activities and acquiring resulted profit, taking various actions from influencing on governmental and judicial organizations to physical omission of officers and headstrong persons.

These people trap in judicial organization less and therefore, in this background, justice doesn't perform because some persons instead of them, accept heavy punishments that they are victim of corruption of these persons measures. Amended code of 1389 in Article 18 annexed, has suppressed this crime severely and the punishment of these persons directly and without any assistance, considered as execution.

3-1-4- Compulsory suppressing infants and intellectual interdicted people in the crime of smuggling

In annexed Article 35, legislator suppressed the people who forced infants, adolescents and intellectual interdicted people to smuggle the drugs. In this subject , previous rule is not explicit while unfortunately abuse of children in distribution affair and smuggling psychotropic substances have very destructive and bad effects that it should be considered more punishments for persuader and as it is seen, punishment of these kind of people is 1.5 times as much maximum of punishing that crime and in cases that fulfill that crime has imprisonment for life punishment will be considered execution and confiscating belongings originated from the crime for persuader.

4-1-4- legalization of transport and deliver under supervision

As much as attribute of organizing psychotropic smuggling, made more difficult combat with this phenomenon, among novel and developed methods, combat with psychotropic, the way of transporting and delivering under supervision is a way that is admitted from internal rights to international level. In the definition of transport and deliver methods under the supervision, it can be said that "there is a method in which special officers of combat with the drugs in frontiers , ports , airports and post offices or customs, after informing existence of drugs consignments , psychotropic drugs or initial chemical substances by knowing and under consideration of judicial qualified authority , while the possibility of discovering and arrest of consignment and capture its bearers , allow mentioned consignment to enter in or get out of the country . In international background, convention of combat with unlawful smuggling of drugs and

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psychotropic drugs approved 1988, is the first important document that has been considered method of transport and deliver under supervision.

By virtue of the first clause of Article 11 of this convention : " Article 11- consignments under the control 1- whereas basic principle of internal rights systems is prescribed , the members will take necessary plans in limits of its facilities for possibility of proper use of consignments under the control in international level based on contracts and agreed arrangements of parties , in order to identify involved persons of the crimes inserted in clause 1 Article 3 and doing legal actions against them."

Second and third clauses of Article 11 also respectively point out making case decisions for applying the method of transport and deliver under supervision and arrest without earning and possession of narcotic consignments or psychotropic drugs and allow to continue the path or transmit general or partial substitute of smuggling consignments.

2-4- weak points

1-2-4- difficulty in use of expression non-pharmaceutical industrial psychotropic drugs

One of the basic amendments of the code approved 1389, is special attention of legislator to non-pharmaceutical industrial psychotropic drugs that as well as adding these Articles to all Articles of the rule, survey the crimes of these Articles also according to survey drugs crimes. But hasty action of legislator in this background is not understandable at all because in Articles like Article 4, 5, 8 that the rule has discussed about smuggling and its proofs, punishment of these crimes in different clauses based on the rate of drugs has determined. While legislator on the background of non-pharmaceutical industrial psychotropic drugs merely has brought this expression immediately behind the expression of drugs and has not argued on this background.

2-2-4- exercising whip punishment

Whip punishment is a degrading punishment and in the subject of positive or negative effect of this penalty, there is much doubt in socialize again and retraining of sentenced persons and its high performing in subject of different crimes and lack of early and secondary hindering, shows inefficiency of this penalty. With increasing growth of the crimes psychotropic drugs in the society, it can be pointed to inefficiency of whip punishment. But legislator still believes in this punishment in 1389 and has not omitted it from the invoice of punishments.

4-2-4- Lack of sufficient financial support

In the note 2 amended Article 15, legislator supported financially just about poor addicted persons while Iranian society facts is that the most of society population are a part of intermediate class and downward. Therefore, when people who are a part of social class refer to cure addiction, they should bear heavy expenses.

Where one of the ways of counteract with addiction is decreasing the demand when addicted persons are cured, also demand is decreasing. At the result, smuggling is decreasing too. Therefore, if the government expends on the background of campaigning against demand, will be concluded better than campaigning against smuggling.

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5-2-4- content difficulty

In amended Article 16, legislator has mentioned psychotropic drugs in both Articles 4, 8. This Article has content difficulty; it is seen that both Articles are the same because of written difficulties and non-attention of legislator and where in none of both Articles mentioned psychotropic drugs, are not statics. both Articles included all psychotropic drugs. Therefore, in Article 16 is not needed to bring expression " Article 4 and Article 8" and expressing the expression " non-pharmaceutical industrial psychotropic drugs that Islamic Consultative Assembly approved it, was sufficient.

6-2-4- Using imprisonment punishment

With due attention to that current criminal policy in the world based on applying imprisonment substitutes instead of imprisonment punishment and all kinds of these methods are used, legislator in Article 16, the last action in counteract with a person who resisted to give up addiction, has determined imprisonment punishment.

7-2-4- Empowering judicial authority

Over the note 2 amended Article 16 expressed that " judicial authority can..." in fact, legislator here has laid issuance of suspension writ of prosecution for judicial authority as an option not an obligation. This causes self-determination of judicial authority versus persons that may issue this writ for some people and not for the others.

Conclusion

Survey of Iran criminal politics versus phenomenon of psychotropic drugs is a macro approach to this criminal phenomenon. Means of criminal politics that consisted of scientific framework of this thesis, is a set of methods that society board i.e. government and society using it organized various responses to criminal phenomenon. Complexity of psychotropic drugs that different crimes like smuggling and included even laundering incomes resulted from smuggling these drugs, using separating criminal policy that based on that method of control and treating with various aspects of this phenomenon will be different.

Separating criminal policy versus psychotropic drugs comply with twofold approach based on distinction between two anomalous behaviors of addiction and smuggling of psychotropic drugs that about addiction, authorized " retraining policy and cure" and vice a versa in smuggling realm, laundering and more emphasized on "suppression policy". Where psychotropic smuggling is a crime and generating crime and a phenomenon like addiction mainly originated from existence of this crime. Fortunately, our legislator after many years and by observing lack of success in previous actions like many of advanced countries on the background of control and response to addiction, accepted cure policy and support more serious than before.

As in Article 15 and 16 amended in 1389 that representing this policy is seen, often the action of legislator, being important of cure discussion and decriminalize is from addiction phenomenon. Where our country, many years ago, has joined to convention of combat with smuggling of drugs and psychotropic drugs 1988 and in this convention, explicitly paying attention to category of transport and deliver phenomenon under supervision known it as a proper method for cooperating countries in campaigning against the phenomenon of smuggling drugs, legislator in 1389 in amended code with

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annexation of Article 43, legalized it. Therefore, with due attention to treaties and Iran cooperation with different countries on the background of combat with the phenomenon of smuggling drugs , there is possibility of expansive cooperation for identifying main agents of smuggling gangs and destruction of this gangs even in other countries and is not necessary when smuggling consignment entered into the country , authorities of combat with it , operated but they can prosecute this consignment and identify it in proper time , destruct it and arrest main agents of smuggling gangs.

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