

The Influence of Populism in Iran's Criminal Policy in Economic Crimes

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Abstract

Populism has been one of the influential factors affecting the formation of criminal policy of countries in recent decades. Populism in the field of economic crimes finds opportunity to emerge in certain periods of time, resort to symbolic aspects of confrontation repression in economic crime control policies has a great deal of capacity to gain support of public opinion. Among the features of populism discourse in the realm of economic crimes enhancing the powers of the authorities responsible for confronting economic crimes, raising the level of public expectations of resorting to criminal instruments to solve the problem, making the grounds for proposing the necessity of resorting to an exceptional criminal system and disregard for fair trial, domination of journalistic literature on scientific discourses (crime magnification), emphasis on description rather than analysis and focus on hardware indicators like the number of discovered crimes to show the success rate and so on can be named. Measures and mechanisms used in our country for confronting economic crimes indicates that criminal populism is an undeniable threat in confronting this criminal phenomenon, whilst following up on populist criminal policies in economic crimes has caused securityism to surpass economic considerations in many cases and caused crime and punishment in principal criminal policy not to be consistent with fundamental principles such as principle of the legality of crimes and punishments.

Keywords: criminal populism, criminal policy, economic crimes, economic corruption

Introduction

Populism in political science means political process in which people's beliefs play a decisive role in formulating important political decisions. Relying on the claim that people's concerns are being ignored in many expert opinions, populist politicians prefer adopting popular policies that apparently seek to provide public interests, while scientific research represents the fact that people's comments about social issues is not necessarily based on scientific and rational logic, it rather is more under the influence of how to represent crime news in media and the language used in the discourse of political and formal officials.

The term populism is derived from the word populist or populous (people) that means populism or ethnicism. This term was used at first for political movements advocating right and subordinate groups in Russia and the US, and had no negative effect at all. However, the procedure used afterwards by movement leaders in order to fulfill their goals or after their realization, indicated that advocates of populist movements would resort to populist emotions whenever it is in their favor and after achieving their goals will disregard people's demands through the use of all possible methods. Such as procedure caused populism to lose its positive meaning gradually and gaining people's support be considered as one of its main features by appealing to the general and ambiguous promises.

Criminal populism would emerge when the criminal justice system in order to answer public concerns about raising crime rates resorts to fast and simple solutions with no scientific justifications instead of using rational scientific solutions that are approved by experts and elites. Such an approach would cause scientific basis, effectiveness and fairness of policies to be ignored and managers of different departments of criminal justice system facing criminal phenomena under the pressure of public opinion and mass media, generally have to show intensity of action instead of a suitable and organized response not to be accused of negligence in combating crime.

In recent years, combating economic crimes with respect to economic conditions and specially the political atmosphere of the country has been considered as important topics and even the basic demands of the people and attracted the heads of the three powers and the higher authorities.

In these circumstances, perhaps the purpose of answering to public opinion affect methods of inhibition of corruption and economic crimes and create a suitable ground for adopting populist and periodic policies.

Although economic corruption is a common term in the literature of the statesman, no specific definition of it is found in Iranian criminal policy literature and in fact, creating a distinction between the aforementioned concept and economic crimes may be difficult. Especially that no specific definition from the notion of economic crime has been given in criminal laws yet.

Until the adoption of the Islamic Penal Code 1392, from the point of view of lawyers, economic crimes encompass minor and major disruptions in economic system and economic activities that government property or treasury was not necessarily considered as its subject.

On the contrary, major stances of financial and administrative corruption that cause major offensive to state and public property and treasury, bring the economic corruption to our mind.

The above measures, although were rather a way of achieving the goal to differentiate economic corruption from economic crime, the note on article 36 of Islamic Penal Code 1392 intensifies the validity of such an argument more than ever.

Despite not using economic crimes phrase by legislator, this note was as an example of mentioned crimes and clause "C" of article 47 and article 109 of the above law 3 also show the authenticity of this claim.

Determining a quorum of 1 billion Rials and move in note of article 36 m.a. and article 109 to release definite conviction sentences and exclusion of time lapse in economic crimes and also an amount over 100 million Rials for prohibition of postponement of issuing verdict and suspension of execution of the penalty indicate acceptance of the dominant theory in that there is possibility of realizing economic crimes at minor and major levels while accepting stricter measures in crimes with mentioned quorums. However, mentioning crimes of bribery, barratry, embezzlement and imposing against the right amongst crimes is ambiguous.

In fact, the significant feature of economic crime is committing it on the occasion of or at the time of committing an economic and financial activity that its victim is general economics. Hence, including the mentioned examples in the economic crimes' group will cause mixing this category of crimes with examples of financial-administrative corruption and economic corruption with the explanation that clause A of article 1 of law of Administrative Health promotion and confronting corruption approved in 1390, offering a broad concept of corruption, considers the crimes of bribery, barratry and embezzlement amongst examples of corruption and even unlike the former in clause "D" of article 2 it has expanded its domain to private legal entities. Therefore, it seems that unlike applying different interpretations in criminal laws, the legitimate policy makes in fact have not considered a special criterion to distinguish them and there is no clear definition of these terms.

Sensitivity of the status of the economic system and influence of economic crime on various social and political fields requires the methods of confronting disruptive affairs to economic system be of great importance.

Dominance of criminal populism in the field of confronting economic corruption and crimes cause politicization of actions dominate over their effectiveness and efficiency and symbolic emphasis on confronting this phenomenon replace thoughtful and scientific practices. Nevertheless, what causes policies to be considered as populist is not only accountability to the community members but using anti-corruption motto to acquire a political position or legitimizing actions in public opinion.

Significant consequences of adopting populist policies, which their obvious aspect is choosing routine and avoiding the realities of criminology, require different aspects of populism in criminal policy about economic crimes to be identified and analyzed. Especially that discovering economic corruption cases and spreading some of them in the media, in spite of the history of repressive reactions of criminal justice in this field, indicates the lack of positive effects of the practices applied and necessity of exploring the causes of adopting these approaches. This study aims through evaluation of solutions adopted by policy makers for solving economic corruption, investigate the influence of populist methods in controlling economic corruption on them.

2- Populism in principle criminal policy

2-1 Criminalization based on the happened events

In criminal populism, the policy makers ignoring the scientific findings, take action for criminal legislation to calm down the general sentiment and restore order and security to society, especially after occurrence of major crimes. Therefore, influence of the dominant emotional atmosphere in the community, emphasis on people's demand and conditions of social life are features of policies based on criminal populism. Nevertheless, resorting to extreme criminalization and expanding criminal law intervention to being a sign of weakness, confusion and inability of the ruling board in adopting

appropriate measures against upcoming events, will lead to inflation of criminal laws. Such rules that are passed based on expediency and without doing required expertise to periodic subsidence of the happened events, do not have enough efficiency. In criminalization of penal code for disruptive of economic system of the country approved in 1369 with next modifications, signs of the rush of policy makers for responding to the needs of society in the field of economy are found.

In economic turmoil following the war, referring to people's demand and their expectations from governors for finding a solution for economic problems, the legislator sought to calm down disturbed public opinion by resorting to criminal solutions and procedures. Existence of unclear points in predicted criminalization in this law such as applying "major and minor" terms and mentioning examples of crimes allegorically indicates that no accurate examination of the law has done and it has just been approved to solve temporary problems so that even by acknowledgment of parliament deputies the purpose of failure to set the benchmark for criminalization done in this law is that through determination of quantitative criterion the result may be including few people. In fact, as it turns out from the legislator's discourse, security-oriented approach dominates the field of confronting economic corruption as an obvious dimension of nonscientific strict approaches.

Especially that, lack of finding a solution for economic problems is considered among the factors that threatens the future of the system. Another example of temporary emotional actions can be seen in anti-counterfeiting plan and the parliament deputies' belief in necessity of strict rules in this field. During 1391, the turmoil in the foreign exchange market was such that in Tehran market and some other areas of the Capital there were some protests against disturbed currency situation and daily inflation of commodity price. Assigning the headline of many press and media to the issue of currency crisis in the country and sensibility of people particularly manufacturers and economic activists eventually caused that in addition to arresting dozens of people charged for disturbing the currency market, parliament deputies, in an effort to control this crisis in Bahman 17th 1391 vote for a plan urgency that determines strict sentences for disturbing the currency market through formal currency transactions, preselling, foreign exchange transactions out of legal network, sentences including fine, imprisonment (up to 25 years) and in specific cases punishment for corruptor on earth. Besides, according to article 3 of the above mentioned plan, "currency holders" will be obliterated to refer to currency branches of banks and exchange offices to obtain a certificate of their currency ownership and after the expiration of the deadline, currency maintenance and transaction without a valid invoice and tracking code would be forbidden. As if hasty determination of such limitation in the turmoil of the currency market, has taken away the opportunity for policy makers to determine a little criterion about the mentioned prohibition in this article. On the contrary to such approach, ignorance of public opinion for many laundering that unlike other corrupt crimes has secondary nature, has caused that despite the accession of the Iranian government to the convention on Transnational Organized Crime approved in 2000, not only independent criminalization of money laundering is considered as a necessity but imagination of political and international considerations in approving the above law is strengthened. Such an approach has caused that even insistence of some deputies on pessimistic public opinion to the Islamic consultative assembly in case of failure to approve the law of confronting money laundering do not work. Eventually, after about 5 years from raising the bill and failure to approve it, ban on a number of Iranian banks by some global assemblies such as Financial Affaires task force (FATF) based on the lack of an independent law for confronting money laundering caused that despite internal opposition, the law for confronting money

laundering be passed and approved; the reaction that in spite of the importance of money laundering crime and necessity of taking reasonable and appropriate measures to confront it, eventually was paid attention through the pressures imposed by the intentional community. Legitimate policy makers' tendency toward symbolic criminal methods in confronting economic corruption with respect to the delay in approval of a law for promotion of the health of the administrative system and confronting corruption approved in 1390, will be more pronounced. Raising the mentioned bill in the Islamic Parliament in 1387, its submission to Expediency system council in the same year and its stopping for more than 2 years indicates that despite so-called criminal laws, the legislator does not hurry in provision of rules with a preventative nature. So that, despite government duty to establish an executive code of this law within 6 month, eventually after 2 years this matter has been accomplished.

2-2 Determining inappropriate criminal execution guarantees

In criminal populism, in order to respond to upcoming events policy makers support simple solutions and sectional management of existing problems in the society, hence strict mechanisms representing unity among ordinary people against criminals, are the most important policies of this approach in dealing with crimes.

Tendency toward criminal penalties about economic crimes in changing the economic nature of the committing crimes to political crime based on the intention of the perpetrator is obvious. With the explanation that while approving the punishment law for disruptive in economic system, organizing the bad situations in the country after war and difficult livelihood conditions of people caused the legislator, in response to the created economic problems, predict that any of the mentioned actions in article 1 of the law in case of "having intention to strike the system, intention to confront with it or even awareness of the effectiveness of taking action to counteract to the system" if it is corruption on earth, the court mention the death penalty in its proceedings. However, in spite of the end of post-war reconstruction, this approach is still recognized in article 286 of the Islamic Penal Code 1392.

By virtue of past of this article, disruption in economic system "if it is committed widely and cause significant disruption in public order of the country, insecurity or great damage to physical integrity of individuals or public and private property, or result in spreading corruption and prostitution to a large extent" it is considered as corruption on earth and the perpetrator is sentenced to death. Furthermore, as by the note of the above mentioned article "the intention to create extensive disruption in public order, great damage, spread corruption or prostitution to a large extent or being aware of effectiveness of such actions" is required for realization of criminal title of corruption on earth.

In this article, although the legislator for the first time in criminal laws distinguishes the two titles of Moharebeh (belligerence) and corruption on earth, the phrases in the article are chosen in a way to provide multiple interpretations in this field. So, despite that according to the rule, comprehensive interpretation of limitations would not be accepted, lack of predicting a criterion for realization of ambiguous titles of "widespread" and "significant" will violate the principle of legality of crimes and penalties.

Furthermore, running a single ruling on prosecution of the criminal offense of corruption on earth, despite the lack of any specific criterion and definition for crime realization is another ambiguity of this article. Hence, it seems that given the severe death penalty the legislator was required to instead of providing an article with a security oriented look that in fact many criminals may be included in it, in a though-out way

seeks to resolve existing ambiguities in former special rules on the provision of the article. The verdicts issued in criminal courts about execution of economic criminals under the title of corruption on earth gives more effect to the criticism that entered the legislator. So that the ambiguous title above caused that according to the news spread in the media and passed by the court, the judge for the case of corruption of a 3000 billion tomans besides the article 2 of law for punishment of disputers in economic system of the country and article 4 of the law of doubt on the punishment of perpetrators of bribery, embezzlement and fraud, cites the requests for a religious order of great references based on putting the title of corruption on earth on perpetrator's actions. Hence, it was expected that given the ambiguity of the title corruption on earth and holding courts as complying the behavior with the mentioned title, the legislator would seek to give detailed explanation of the elements and conditions for the realization of the crime.

Prediction of death penalty and expansion of the domain of corruption on earth on legitimate criminal policy indicates the legislator's tendency to limit the powers of the judges in determining minor punishments in the field of economic crimes. An approach that although being adopted with justification of public demands that is manifested in the will of the people's representatives in legislative assembly is notable, in terms of domination of populism and routine life over rational solutions in criminal policy of Iran. Documenting legitimation of the strict policies on public demands happens while due to lack of presenting scientific specialized information to people, they don't understand the grounds for economic crime well. However, prevalence of economic corruption and crime cause the government (in the general sense) be unable to answer rational demands of different social classes and lose its popularity and acceptance among people. As a result the government has to resort to punishable strict policies, and seek to create an association between the crimes specified in this law and security of the system. The consequence of such an approach is that criminal law mechanisms get away from inhibition function in line with sectional management of economic crimes and corruptions.

3- Populism in form criminal policy

3-1 Reflection of populism in the preliminary studies

The importance and sensitivity of the economic crimes issue in our country has caused that in response to public opinion beside creating police and organizational structures when criminal events occur and with special conditions governing society, intervention of various institutions in the process of detecting economic crime to be recognized.

3-1-1 Economic police formation

In Iran, right now, by virtue of the clause A article 29 of Code of criminal procedure approved in 1394 and clause B article 4 of Police force law approved in 1369, the police force are general ties of the judiciary and has the task to detect crimes. However, it seems that the position and post of perpetrators of economic crimes in one hand and necessity of specialization in researches on the other hand requires the police force to pay attention to this important issue. Otherwise the documents that exist in early detection of crimes will be undetected or ignored.

With respect to the above features, the police force have created the police fighting economic crime in police stations of cities. Certainly if the mentioned force lack economic affairs expert and its forces do not receive specialized training in economic affairs, the police force will not be much successful in detection, investigation and combating against economic crimes and corruptions. Maybe that's because the offices

of combating economic crimes, in practice, confront more with smuggling goods and currency. This caused hearing whispers around establishing the specialized economic police from officials though eventually was ignored. Finally following extensive media reflection in the case known as 3000 billion tomans corruption, the debate on the formation of the economic police was strengthen. So that even high officials in police explicitly acknowledged that it is several years that formation of the above-mentioned force is proposed though disregarding it has resulted in paying attention to this necessity following the created crisis.

Establishment of economic police was eventually predicted in the plan to form an organization fighting against economic corruptions that was presented to the parliament in 2.12.1391. With the explanation that according to article 6 of the above plan, the head of the organization is obliged to establish specialties for economic crimes, under the title of rapid reaction force for economic crimes, in partnership with information and law enforcement agencies by selecting a number of the best related forces with good record and financial and work discipline.

It is clear that if the mentioned structure is formed based on scientific teachings or its formation is to be cancelled, the possibility of populism plan will not be cancelled.

What strengthens this idea is the way of presenting the mentioned proposal to the Islamic Parliament. The proposal to establish the organization confronting economic corruptions that implies suggestions including establishment of economic police, was presented to the parliament by deputies and with mentioning an immediate urgency in Esfand 2nd 1391 although, finally, its urgency was not approved, the review request as an urgency that suggests deputies rush in handling the mentioned proposal as soon as possible is of detailed review despite the need to exact expert security.

In particular, presenting a suggestion as a proposal, intensifies the question of the existence of popularism approaches in this field. With the explanation that the plan to form the organization to combat economic corruption that according to its contents is mostly of judicial aspect, is amongst those cases that seems should firstly referred to government through judiciary system and as a judicial bill and then presented to the parliament by this system so this way more expert actions taken on it.

Nevertheless, since this procedure to propose in the parliament takes a long time, apparently the legitimate policy makers in line with rapid response to the phenomenon of economic crimes and in particular responding to public opinions, have seen the interest in proposing such plan though a one-urgency plan.

3-1-2 Establishment of a campaign to combat economic corruptions

Following the emphasis of the revolution leader in Friday prayers sermons in 26 Farvardin 1389 on the basis of necessity of official, security and judicial reforms in the country and necessity of combating corruption and subsequent issuing of the eight-command rule of him in Ordibehesht 1380 to the heads of power about decisive confronting with economic corruption, the president in 1380 issued a command to establish campaign to combat economic corruptions.

Although no regulations is codified on describing the tasks of the campaign, recognizing weak points in different parts, identification of legitimate necessities for provision of required rules that facilitate confronting corruption, and creating the suitable conditions for activities of the responsible authorities in combating corruption is among duties that are apparently determined based on decisions taken on 22.3.1380 by heads of power. Also recognizing unhealthy relationships in centers of economic, financial

and monetary decisions in the country and using informational economical bribery, identification and review of important contracts in terms of compliance with legal procedures, are among tasks of the permanent committee of experts in this campaign.

Despite assigning the above duties to the campaign, since its establishment under the influence of the dominant political discourse in the society was more a symbolic response to economic corruption, according to officials the results of its activities has not been satisfactory.

It seems that several factors have involved in ineffectivity of the campaign's operation. Among them unclear non-significant performance of it can be mentioned that is due to weakness of notification. While, according to the approval of the heads of powers in session on 23.11.1383, advertising and information committee is one of the subsidiary committees of the campaign that is responsible for coordination of giving information about combating economic crimes or creating a mechanism for doing this. However, little notification in the field of activities done by this campaign resulted in serious criticism about clear performance and results of the actions and final review of its performance in the commission on Article 90 of the parliament.

With respect to the mentioned criticisms and shortcomings it can be said that establishment of the campaign shortly after emphasis by the highest political authority of the country caused that no exact detailed expertise take place on purposes duties and authorities of this campaign and policy makes just seek to find a quick answer. So irregular holding of sessions, lack of an accurate definition of economic corruptions, lack of continuous communication between campaign and legal and economic experts caused that in practice after passing more than ten years, the campaign has not required effectiveness. Finally, after discovery of the recent financial corruption and leader's criticism about failure to fight against economic corruption, the proposal for establishment of the campaign to combat economic corruption was proposed in 2nd Esfand 1391 in open session of the parliament. In this proposal, beside that the setting up and running of the information center for spreading organization activities is a duty of the head of the organization, according to article 16, the head is obliged to present reports on the economic corruption cases at least every three months himself or through one of the deputies or organization spokesman.

3-1-3 Ministry of Information

Recognizing Ministry of Information as the judicial tie in economic crimes and corruptions, was not of legal clarity at first and apparently, according to circular no. 3/131/71 dated on 23.1.71 head of judiciary system and clause 6 of the eight command rule of leader in Ordibehesht 1380 the competency to review the subject is given to this ministry. The legal vacancy mentioned caused the legislator to consider this lack in his legitimate course of action and identify the mentioned institution as the judiciary tie.

However it seems that sensitivity and importance of economic crimes be a major reason of involving this ministry, though for more scientific effectiveness security considerations should always be distinguished from technical considerations and economic expertise.

3-2 Reflection of Populism in Criminal Proceedings

3-2-1 Recognizing Multiple Reference Agencies as Righteous

During economic crisis of the country, through strict policies like note 6 of article 2 of the law for punishment of disrupters in economic system of the country, the legislator have considered crimes that cause disruption of economic system as in the jurisdiction of the revolutionary court. While the

organization of revolutionary court as an exclusive court, does not follow the principle of multiplicity of judges and is held with one judge. Such issue, with respect to the social and sometimes political situation of economic criminals, is not appropriate and given the power and influence of perpetrators, in some cases even the beginning of criminal proceedings may be canceled. Also, since these types of judges usually are not familiar with issues in the economic field, possibility of priority of security approach over economic approach is not unexpected. Because of this, delegating the proceeding of economic corruption cases to an exclusive court more than being considered as an action in conformation with scientific measures, indicates the dominance of legislator's expedience on adopting the mentioned policy. Limitation of revolutionary court qualification by virtue of the verdict of unity of procedure no. 7 dated on 24.7.1386 does not solve the above mentioned issues. Criminal procedure code approved in 1392 also after many years has predicted the assumption of multiplicity of judges in revolutionary court while proceeding the crimes to be punished by punishments of clause "A" to "D" of article 302 of the same law in article 297, though specific feature and special nature of criminal proceedings in revolutionary court will still remain strong.

Unlike the mentioned strict approach, in money laundering crime easy look of the legislator to this crime caused that article 11 of law for confronting money laundering to handle the crime of money laundering and the related crimes, some branches of public court in Tehran and if necessary in provincial centers assign to proceedings of mentioned crimes. While it seems that extensive effects of this crime and its mostly organized feature require an expertise proceeding and comprehensive review of the issue that this will not be realized by judges without having required expertise and thoughts.

Necessity of proceedings by an specialized court to address money laundering crime eventually caused that head of judiciary system, in circular no. 1000/15521/9000 dated on 15 Tir 1389, addressing the heads of judiciaries in provinces order that by evaluating the specific situation of each province and considering judges' qualification and experiences, if required assign branches of public courts and prosecutor's offices to proceed banking suits, money laundering crimes and electronic crimes and declare the result at the end of the year. Following the mentioned circular it is stated that "if execution of this circular requires judges teaching for management of the mentioned branches, this would be announced to deputy of education of judiciary system for planning and holding specialized educational courses.

It seems that besides considering the establishment of a specialized court for proceeding mentioned crimes and in particular money laundering as a necessity, existence of expert judges familiar with these crimes is of great importance. Therefore, the above circular is considered as a solution to a though-out approach in case establishment of specialized courts and judges' instruction to take responsibility of the mentioned branches being accepted as a necessity and not leaved to be recognized by the judiciary heads of provinces. Since proceedings these crimes requires scientific awareness and being equipped with economic and criminal law data; and obtaining experimental knowledge through practical proceeding of economic cases is not an appropriate method for domination of mentioned crimes.

3-2-2 Scandalizing Economic Criminals

In criminal law, the principle is that the defendant restores dignity as soon as termination of conviction. Since society does not seek to get the condemned person away forever and deprive him of individual and social rights. One- urgency proposal for reform of article 188 of the law of procedure in public and revolutionary courts in criminal affairs approved in 1378 that includes the rule of scandalizing economic

criminals, was proposed when the case of economic corruption by Mr. (Sh. J.) was highly regarded by media and people so that satisfaction of public opinion, drawing their attention and re trust of society people on legislation system and in particular judicial system are main factors of proposing such plan.

Sensitivity to performance of judicial system had caused the layout designers to predict strict solutions for release of economic crimes' sentences in order to impose more pressures and limitations on judicial system. Among these items was prediction of sentence declaration in general and even before certainty, considering public interests and lack of predicting a quantitative criterion in this field.

It should be mentioned that in countries, in which exposing sentences of economic criminals is accepted, is related to cases of macro figures, though given that the amount stated in note 3 adjunct to article 188 of the code of conduct for public and revolutionary courts in criminal affairs is one hundred million Rials or more, it seems that we should see repeated announcement of sentences and names of criminals. However, practical procedure indicates that in many cases, the judiciary system has not followed the predicted mechanism in this law and in practice, in most cases note 3 adjunct to article 188 is not executed or incompletely executed.

In line with policy of exposing identity of economic criminals, the judicial forum in economic affairs also launching an internet website has proceeded to declare information and news on economic cases. However, it should be noted that it will be due to eliminating the duties of judicial officers in execution of the mentioned note; publication of verdict contents in one of the most popular newspapers and if necessary in one of local newspapers is making the verdict available for media.

Anyway, considering that according to note of article 10 "instructions on the formation of the economic affairs judicial forum" only macroeconomic crimes with average of 10 billion Rials or more, which is being abused by government employees or with the help of them from public or state property, are verifiable in the mentioned complex, the complex's qualification is more limited than note 3 article 188 of code of conduct for public and revolutionary courts.

Therefore in practice, sentences for crimes in which the value of revenue proceeds from crime is more than 100 million Rials and less than 10 billion Rials, is not within the jurisdiction of the judicial complex in economic affairs and will not be published. Hence, it is observed that criminal policy making with the goal of responding public opinion has resulted in paying attention to exposing the identity of economic criminals without consideration of all dimensions and aspects and in practice be acted upon to a limited extent. So that in the interview conducted with CEO of some popular newspapers, they have claimed that despite the passage of a few years since approval of rule for scandalizing economic criminals and their attention to release of sentences, the desired sentences have not made available for them by judicial system.

It should be said that even in important cases that are given special attention by public opinion and media, according to the mentioned regulation, only a summary of sentence text includes person profile, his position or title, perpetrated crimes, and type and level of punishment for defendant is made available for media.

Whereas it was worth it that court reasoning and its documentations in issuing the verdict and determining the punishment were referred to in this article and in this way review effect of media reflection of crime and dominance of populist approaches on issuing sentences or lack of its effect on the quality of votes. Addressing some cases of economic corruption in revolutionary court, that makes it more

difficult to access the details in the case and issued verdicts with respect to specific nature of proceedings, makes professional scientific reviews impossible to a large extent.

3-2-3 Limitation of Fair Trial

Publicizing cases of economic crimes and corruptions and attention of public opinion toward this issue has resulted in tendency of populist policy makers to approaches that promise for a quick and decisive deal with criminals. Whereas public opinion about crime and punishment is often affected by inadequate and sometimes inaccurate information provided for people.

3-2-3-1 Speed in Handling

Although avoiding trial prolongation is among the defendant's main rights, on the contrary, avoiding rush influenced by public opinion also a fundamental right of the defendant. In Iranian criminal policy, however, in some cases the courts have been guided to expedite the hearing process to demonstrate serious determination of criminal policy authorities in confronting crimes and symbolically advocate the violated value. Such solution results in ignorance or violation of defendants' rights in most cases. In other words, too much rush in the criminal procedure cause decrease accuracy in proceedings, increase in attention to consequentialism, limitation of fair trial that certainly will lead to inefficiency of criminal system and negative representation of its performance in long term.

Of the obvious examples of Iran's legitimate criminal policy tendency to speed up economic crimes proceedings is note 4 adjunct to article 188 of the code of conduct for public and revolutionary courts in criminal affairs. According to this note, appeal reference is obliged to proceed the cases covered by this article within six month and issue the verdict and in case of postponement without an excuse, judges of the branch that proceeds the punishment procedure will be condemned from grade 4 to top. Reviewing the discourse between parliament's deputies while proposing this issue, indicates that predicting such proceedings deadline for appeal reference is another indication of legislator's sensitivity to trials. In fact, since the way of proceeding economic crimes cases is of great importance to the legislator, predicting the deadline, there has been an effort to put appeal courts under pressure for quick on time proceeding and in this way the policy makers be responsible for public opinion as soon as possible.

Another manifestation of legislator's tendency to speed up economic crime prosecution is setting up of quick and out of turn proceeding in economic crime cases. As in note 6 article 2 of law for punishment of disrupters in economic system, has obliged the courts to proceed all mentioned crimes in this law quickly and out of turn.

An obvious example of speeding up prosecution is the case of 123 billion Rials embezzlement from Saderat Bank. In the mentioned case, despite issuing the death penalty, since proceeding the case in the revolutionary court until the execution of the prime suspect in this case (F. Kh.) in 1st Azar 1374, it took about five months. Although it may be thought that prolongation of proceedings will create an opportunity for intrusive actions of suspects of economic corruption, hence such a possibility should be discarded from them.

Nonetheless, speeding up the proceedings without evaluating all aspects of the issue especially in the security phase, will lead to violation of rights of the defendant and creating the opportunity for rumors. Despite the passing of about 17 years since execution of Mr. (F. Kh.), in embezzlement case of Saderat

Bank, there are still speculations about his alleged accusation, and has exposed officials of the judiciary system to media and public opinion.

3-2-3-2 Distorting the independence of Judges

Judicial independence means that the judge puts the law as a ground while issuing the verdict, and no official including parliament deputies, the president, and even the head of judiciary system or other judicial references has not the right to impose limitation and directly or indirectly escape from the trial and verdict. Also, the judge independence requires him not to be influenced by public opinion, and instead act independently until it is not shaped based on a legal measure. However, in some cases, people attention and sensitivity to criminal justice responses cause that under the influence of populist approaches, with the justification of public opinion satisfaction as soon as possible, the principle of judicial independence be ruined. Although proceeding a case may cause public debates, a fair judgment requires that the judge issue the verdict without considering emotional situation governing the society irrespective of any influence of the judicial and non-judicial authorities.

Of obvious examples of such case is requests and advices given by some of the parliament deputies to judge of the 3000 Billion rials corruption to determine the appropriate penalty for costs incurred on the economy and political system of the country and decisiveness against corruptors. So that after passing one month from broadcasting the mentioned crime detection in media, the head of judicial system in 24 Shahrivar 1390 through a notification due to the importance of the issue, assigned the attorney general of the country as responsible for overseeing the case throughout all stages of prosecution until obtaining the final result. Besides that determining such specific conditions for prosecution of the case is performed due to the sensitivity to this issue created in the society, there has been no informing about limits of authority and duties considered for the executor officer. While gaining supervising authority by attorney general of the country may cause that during proceeding in particular issuing the verdict, accepting the rights of the community is considered more than anything else.

4- Conclusion

Spreading the economic crimes in the media, politicizing reactions in these crimes, and the structure of governmental economy in Iran has resulted in entrance of populism to the field of criminal policy of economic crimes. Although, the populist policy makers, in justification of their policies, often cite people's demands, the reality is that informed public opinions are against policies with limited social interests. Responding to uninformed public opinions while occurrence of economic crime events cause that in many cases under the influence of media advertisement, public opinion is guided toward criminal procedures applied by policy makers and knows them effective.

After several years since proposal of economic corruptions issue in our country and many slogans about combating this class of crimes, legitimate policy makers have considered utilizing criminal devices especially in critical conditions as the easiest way of achieving economic discipline. Hence, criminology and assigning criminal titles with respect to the events happened in the society, are signs of populist responses in this field. In the domain of principle criminal law, guarantees of criminal executions are disordered and proportionality of crime to the nature of punishment is not considered. While for some economic crimes, in a security oriented approach, a punishment such as death penalty is considered, in

some other cases like money laundering due to lack of public opinion attention to the nature of crime and its effects, too much weak and non-proportional legal punishments are assigned.

In the field of form criminal policy, symbolic emphasis on combating economic crimes caused that besides qualification of security institutions in preliminary investigations, establishment of police organizational structures are considered by policy makers while occurrence of criminal events. Furthermore, in prosecution of crimes including economic corruption, besides considering strict principles like scandalizing economic criminals and violating some justly prosecution principles such as prosecution in the reasonable period and irrespective of public opinion pressure, accepted the qualification of different references in proceeding economic crimes under the influence of criminal populism of policy makers. Hence, routine and lack of specialization in prosecution references, has seriously criticized trial and verdict issuing in these crimes.

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