Iran's Criminal Policy in Addressing Economic Crimes and Strategies for Overcoming the Related Crisis in Iran

1. Shahram Roshandel: PhD Student, Department of Criminal Law and Criminology, Ayatollah Amoli Branch, Islamic Azad University, Amol, Iran
2. Mahdi Esmaeli*: Associate Professor, Department of Law, Central Tehran Branch, Islamic Azad University, Tehran, Iran
3. Hasan Hajitabar Firouzjaie: Associate Professor, Law Department, Ghaemshahr Branch, Islamic Azad University, Ghaemshahr, Iran

***Correspondence: e-mail: dresmaeli@yahoo.com**

Abstract

This article aims to assess Iran's criminal policy in addressing economic crimes and the strategies for overcoming the related crisis in Iran using a descriptive and analytical approach. Unfortunately, the lack of centralized statistics, coupled with the non-simultaneity of the occurrence and detection of these crimes, hinders the possibility of conducting a comprehensive assessment of criminal policy regarding this phenomenon. This limitation prevents a correct and complete analysis of crime trends and makes it impossible to provide a definitive opinion on the factors influencing the occurrence or detection of economic crimes. As a result, judgments are based on the available data within each sector, which is inevitably incomplete and incapable of offering a realistic depiction of economic crimes. The findings indicate that the existence of parallel organizations responsible for addressing economic crimes, including the General Inspection Organization, security departments of administrative institutions, the Ministry of Intelligence, and others, has led to a lack of coordination in the prediction, prevention, and detection of economic crimes. Some studies have pointed to the multiplicity of anti-crime organizations and their overlapping responsibilities. However, the issue has not been scientifically and systematically examined in research. Given the aforementioned considerations, it can be concluded that combating economic criminals and corrupt actors requires the enactment of new laws, the amendment and updating of certain outdated laws, the provision of a clear and comprehensive definition of economic crime, and the establishment of a unified and accountable structure with full legal authority. This structure should aim to eliminate organizational redundancy, prevent parallel operations among enforcement agencies, and enhance the role of criminal investigation police in combating economic crimes.

Keywords: Iran's criminal policy, economic crimes, strategies for overcoming the crisis.

Received: 25 February 2024
Revised: 18 March 2024
Accepted: 15 April 2024
Published: 21 May 2024

Citation: Roshandel, S., Esmaeli, M., & Hajitabar Firouzjaie, H. (2024). Iran's Criminal Policy in Addressing Economic Crimes and Strategies for Overcoming the Related Crisis in Iran. *Legal Studies in Digital Age*, 3(2), 59-72.

1. Introduction

The primary role and objective of criminal policy in a society is the effective control of delinquency and the containment of criminal phenomena. The purpose of criminal policy in the economic sphere is to combat corruption and economic crimes. Governments continuously strive to implement various policies and programs to portray themselves as efficient in economic affairs, as economic stability and security are fundamental components of national security. Corruption within the economic system has long been a concern for Iranian legislative policy; however, the legislator's haste in drafting relevant laws has prevented the establishment of a coherent and decisive criminal policy in this regard.

Furthermore, Iran's legislative policy, which is predominantly based on deterrence, retribution, punitive measures, and, to some extent, correction and rehabilitation, cannot be regarded as an effective criminal policy for controlling delinquency, particularly corruption in the economic system. Essentially, criminal policy should not be confined solely to punitive responses within the framework of criminal law and criminal procedure but must also incorporate preventive and deterrent approaches, which play a major role in shaping an effective criminal policy. This is especially crucial for large-scale economic crimes, as offenders often employ sophisticated tactics and, in some cases, leverage their power and influence within the government to commit such crimes. Consequently, the adoption of preventive measures by the legislator appears to be more effective than purely repressive measures. However, success in prevention ultimately depends on the active participation of all civil society actors.

2. Iran’s Criminal Policy on Economic Corruption

2.1. Active Criminal Policy (Non-Penal Prevention)

Active criminal policy encompasses non-penal measures that intervene in pre-criminal conditions before the transition from criminal intent to criminal action. Essentially, there are three possible categories of economic offenders. The first category consists of natural persons, namely ordinary citizens. The second category comprises private legal entities and corporations, which are primarily involved in large-scale economic offenses. The third category includes the state and state-affiliated or quasi-governmental entities, which, in most cases, are one of the parties involved in extensive and organized economic crimes. Clearly, the approach to prevention and deterrence differs for each of these three groups.

It is evident that preventing economic corruption among powerful and influential government officials, who themselves claim to be combating economic corruption, is particularly challenging. The state must adopt effective management of physical and social environments to minimize opportunities for economic crime. Governments that pursue an active criminal policy in preventing corrupt practices typically do so by eliminating and restricting criminogenic factors while effectively managing physical and social environments to contain delinquency.

Moreover, multiple underlying factors contribute to economic crime. According to Moqaddam (2011), elements that foster corruption include unemployment—particularly among youth—low wages, and the inequitable distribution of wealth. Without identifying and addressing these structural issues, economic crime prevention will not yield significant results (Moqaddam, 2011). As previously mentioned, for criminal policy to be effective in controlling and restraining delinquency, it must be incorporated into a comprehensive social policy framework, and its instruments should not be confined solely to repressive measures and punitive responses. Instead, deterrent and preventive approaches to economic crime must play a central role in shaping criminal policy.

According to Article 156 of the Iranian Constitution, the judiciary is responsible for both preventing crime and punishing offenders. One of the judiciary’s most critical tasks in preventing economic corruption is conducting research projects aimed at identifying the root causes of economic crimes and developing appropriate responses. This process will gradually lead to the drafting of suitable legal bills (Moghimi, 2017). In line with active criminal policy, pre-criminal interventions through monitoring systems are essential. However, in Iran, the weakness of supervisory mechanisms is a key factor contributing to economic crimes.

A persistent question arises: why, despite the presence of numerous oversight institutions such as the General Inspection Organization, do financial and economic corruption cases continue to proliferate? In response, one can point to the lack of

necessary cooperation between the three branches of government, as well as the absence of widespread public awareness and recognition of the issue as a national priority. Effective non-penal prevention in Iran requires, in addition to the collaboration of the legislative, executive, and judicial branches, an in-depth understanding of the root causes and motivations behind economic corruption. The major factors contributing to corruption include weak religious and ethical beliefs, deficiencies in oversight and evaluation systems, weaknesses in public supervision, structural deficiencies within the government, job insecurity, politicization of governance, disputes among political and social leaders, a decline in legitimate opportunities for social and economic advancement, the deterioration of fair competition in markets, inflation, and rising prices.

As observed, economic crimes stem from a range of cultural, social, political, legal, and economic factors. A comprehensive approach to these issues is a prerequisite for combating economic corruption.

Ultimately, it appears that the increasing rate of economic corruption in Iran and the limited effectiveness of the penal system in addressing these crimes have made policymakers aware that the criminal justice system alone is not a sufficient solution to combat economic corruption. Regarding active prevention (i.e., prevention before the commission of a crime), one can refer to the Law on Crime Prevention, enacted on August 29, 2015.

Article 3 of this law states:

Article 3 – The Supreme Council for Crime Prevention shall be established to perform the following functions:

1. Implementing national coordination within the framework of the duties and responsibilities of the three branches of government and adopting appropriate measures to enhance collaboration among relevant institutions in crime prevention.
2. Defining strategies, executive policies, and national programs for crime prevention within the framework of the country's general laws and policies.
3. Reviewing and approving macro-level plans to promote public awareness, foster public and private sector participation in crime prevention, and support preventive initiatives.
4. Identifying the root causes of crime, reducing social harm, assessing the impact of national crime prevention programs, and monitoring the performance of responsible institutions in this area.
5. Adopting necessary policies to support crime victims and offenders, as well as their families, and facilitating the reintegration of offenders into society with opportunities for a dignified life.

Additionally, Clause 2 of Article 5 of this law states:

"The conduct of necessary research and studies to analyze the causes of crime and explore preventive measures through research institutions affiliated with the three branches of government and academic research centers, or, if needed, through independent research initiatives, along with the preparation and publication of periodic and annual statistical reports."

Furthermore, Article 6 stipulates:

"Each branch of government is required to utilize its mechanisms and structures to conduct studies on the causes of crime and crime prevention measures."

In conclusion, it is emphasized that prevention is an undeniable necessity. It is more logical to focus on preventing crime rather than waiting for individuals to commit offenses and subsequently subjecting them to complex judicial proceedings and punishments. However, Iran's criminal policy appears to face a paradox in crime prevention. On the one hand, Article 156 of the Constitution assigns the judiciary the responsibility for crime prevention. On the other hand, effective crime prevention requires mechanisms and institutions that, in practice, fall under the executive branch (Haji Zadeh et al., 2019).

Nevertheless, it is hoped that with the implementation of the Crime Prevention Law, an appropriate structure will be established to operationalize crime prevention through the cooperation of all responsible and relevant institutions.

2.2. Reactive Criminal Policy (Penal Measures)

Reactive criminal policy essentially refers to penal prevention of delinquency and encompasses the set of measures and actions undertaken by the criminal justice system after the commission of a crime to deter potential and actual offenders from committing initial or repeat offenses. In other words, punishment is traditionally used as a societal tool for crime prevention. The prevailing belief about punishment is that its deterrent and exemplary effects are effective; punishing offenders is expected to prevent recidivism while also discouraging potential criminals from engaging in unlawful acts in the future. Essentially,

society, through such reactions, aims to instill fear in offenders and potential offenders, thereby preventing them from engaging in criminal behavior.

Punishment is a traditional approach that fundamentally serves as a reaction to crime. This approach has persisted since the formation of human societies, based on the justification that penal sanctions should serve to punish and deter criminals while also preventing potential offenders from engaging in criminal activities (Najafi Abrandabadi, 2008). This punitive mindset is evident in Iran's legislative criminal policy, which, relying solely on abstract interpretations of crime and punishment, has, since the revolution, engaged in excessive criminalization. This excessive penalization has not only led to a crisis of penal inflation within the justice system but has also encroached upon individual rights and freedoms, fostering public dissatisfaction and eroding trust in the effectiveness of criminal policy.

Despite the principle that criminalization should be an exceptional measure, excessive and irrational criminalization and the imposition of severe repressive punishments in criminal legislation—without considering societal interests—lead to an increase in criminal behavior and a greater likelihood of offenses being committed. This, in turn, diminishes the stigma associated with criminal acts and weakens individuals' commitment to respecting societal values (Najafi Abrandabadi, 2008).

A review of Iran's legislative approach to economic crimes reveals that criminal legislation has consistently been regarded as the best and simplest solution to combat economic delinquency. The dominant criminal policy in Iran's penal system, particularly in addressing economic crimes, is authoritarian in nature. Iran's legislative criminal policy concerning economic crimes can be divided into two periods: before and after the Islamic Revolution.

2.2.1. Economic Penal Laws Before the Islamic Revolution

- Law on the Punishment of Embezzlers of State Property (December 7, 1927)
- Law on the Punishment of Smugglers (March 19, 1934)
- Law on the Punishment of Illicit Influence (December 20, 1936)
- Law Amending Certain Provisions on the Punishment of Smugglers (June 4, 1940)
- Law on Preventing Smuggling via Motor Vehicles and Marine Transport by the Border Patrol (October 31, 1957)
- Legislative Bill Prohibiting Government Officials from Engaging in State Transactions (January 12, 1959)
- Law on the Punishment of Collusion in Government Contracts (June 9, 1969)
- Customs Law
- Monetary and Banking Law (July 9, 1971)
- Law on the Intensification of Punishment for Arms and Ammunition Smuggling and Armed Smugglers (February 15, 1972)
- Law on the Punishment of Hoarders and Price Gougers (May 13, 1974)
- Law on the Punishment of Disruptors in Livestock Supply and Meat Distribution (May 7, 1974)

2.2.2. Economic Penal Laws After the Islamic Revolution

- Legislative Bill on the Punishment of Disruptions in Agriculture and Livestock (December 1979)
- Legislative Bill on the Punishment of Non-Compliant Domestic and Importing Production Units (January 1980)
- Law Amending Article 53 of the Law on Smugglers and Adding a Note (July 18, 1982)
- Law on the Collection and Sale of Abandoned and Confiscated Goods (January 31, 1983)
- Law on the Implementation of Article 49 of the Iranian Constitution (August 1984)
- Law on the Intensification of Punishment for Hoarders and Price Gougers and the Prohibition of Trading Rationed Goods (April 12, 1988)
- Law on the Intensification of Punishment for Bribery, Embezzlement, and Fraud (1988, Expediency Council)
- Law on the Intensification of Punishment for Forgers of Banknotes and Those Importing, Distributing, and Using Counterfeit Currency (April 8, 1989)
- Law on the Application of Article 49 of the Constitution to Wealth Accumulated from Hoarding, Price Gouging, and Smuggling (February 18, 1990)

- Executive Regulations of Article 31 of the Law on the Establishment of the Organization for the Collection and Sale of Seized Properties (1991)
- Law on the Punishment of Economic Disruptors (1982, Expediency Council)
- Law Prohibiting the Acceptance of Commissions in Foreign Transactions (July 18, 1993)
- Law Prohibiting Holding More Than One Government Job (December 31, 1993)
- Cabinet Resolution No. 61212 on the Limits and Regulations of Foreign Exchange Use (May 17, 1994)
- Law Amending Article 1 of the Smugglers' Punishment Law of 1934 and Its Subsequent Amendments (1975, Expediency Council)
- Law on the Issuance of Participation Bonds (June 19, 1988)
- Electronic Commerce Law (2003, Parliament and Expediency Council)
- Law on Combating Human Trafficking for Prostitution (July 19, 2004)
- Law Adding a Clause and a Note to Article 1 of the Economic Disruptors' Punishment Law of 1990 and Amending Note 1 of Article 2 (January 4, 2006)
- Law Amending Note 1 of Article 138 of the Code of Criminal Procedure for Public and Revolutionary Courts in Criminal Matters (1999) and Adding Three Notes (June 14, 2006)
- Anti-Money Laundering Law (January 22, 2008)
- Law on Iran's Accession to the United Nations Convention Against Corruption (October 11, 2008)
- Cybercrime Law (June 2009)
- Law on Combating Smuggling of Goods and Currency (2013)
- Clause 2 of Article 109 and Note to Article 36 of the Islamic Penal Code (2013)
- Amendment to the Law on Economic Disruptors (2005)

The extensive and fragmented nature of economic crime legislation in Iran reflects significant shortcomings in the country's criminal policy towards economic corruption. While legislation is the most important source of criminal policy, expressing a nation's strategies, methods, and fundamental principles in crime control, it must be grounded in sound criminalization principles that serve a deterrent function rather than merely expanding the list of offenses (Tayyari, 2003).

Fundamentally, when criminalizing acts as economic crimes, the legislator must first define the values being protected—whether it is the government's interests, individual property rights, or the foundations of the Islamic economy—and then determine punishments accordingly. The Iranian legislator has enacted numerous laws criminalizing economic offenses but has failed to establish a clear standard for distinguishing which offenses belong in which legal frameworks.

For instance, what is the defining criterion for economic disruption? Why is hoarding punished under one law at one time and then under another at a different time? All the acts criminalized in the aforementioned laws constitute some form of illicit economic activity, yet they vary significantly in nature, subject matter, damage caused, and the identities of the victims and perpetrators. The legislator must categorize these offenses according to their specific characteristics.

In many cases, the criminalization of certain acts as economic crimes appears to be a temporary crisis-management strategy using the most coercive and simplistic tools available. A review of the history of economic penal laws demonstrates that legislators have often disregarded prior laws when drafting new ones. For instance, during the enactment of the Law on Economic Disruptors, one of the main criticisms was its redundancy, yet this concern was ultimately ignored.

The primary reasons for the enactment of these laws were economic and political instability, post-war reconstruction challenges, market monopolies, and financial scams, all of which underscored the government's reactive approach to economic corruption (Abbaszadeh et al., 2020).

3. Iran's Descriptive and Conceptual Criminal Policy on Economic Crimes

Given the sudden emergence of satellite technology in Iran, there is no specific historical record concerning this issue. Iran's criminal policy regarding economic crimes is distinct from that of other crimes. It should be noted that this differentiated approach to criminal proceedings has developed in recent years. Differentiated adjudication, or the differentiation of judicial

proceedings, encompasses various dimensions. From this perspective, traditional adjudication methods may still be identified, though significant differences exist in certain aspects, primarily due to the fragmentation of judicial proceedings.

Economic crimes not only have the potential to disrupt internal order and cohesion within a country but, if organized, can also have far-reaching consequences on a broader scale. Consequently, nations strive to enact laws that deter perpetrators. Additionally, given the diverse nature of economic crimes, a uniform adjudication method cannot be applied to all cases, necessitating modifications to traditional judicial approaches to effectively address contemporary challenges. Under such circumstances, the need for differentiated adjudication in economic crimes becomes evident.

The first assumption regarding differentiated adjudication is the establishment of specialized courts. However, such an interpretation conflicts with human rights principles and Article 172 of the Iranian Constitution, which only recognizes military courts as specialized judicial bodies. Thus, differentiation in adjudication refers to the fragmentation and decentralization of judicial proceedings (Pak Niat, 2017).

The justification for differentiated criminal proceedings in economic crimes is assessed based on three primary elements and criteria. The three defining elements of economic crimes are as follows:

First, economic crimes are not inherently distinct offenses but rather derive from general crimes with specific characteristics.

Second, economic crimes in Iran are closely linked to national security. The predominantly state-controlled and quasi-state-controlled economy in Iran, coupled with its opposition to a free-market system, has led to the classification of economic crimes as security offenses.

Third, economic crimes, in their procedural and structural (rather than substantive) aspects, are largely influenced by global trends and imported legal frameworks. These offenses gained prominence after the Cold War, particularly under the United Nations' initiatives, and have gradually become significant in Iran.

Based on these three elements, three criteria are proposed to justify differentiated criminal proceedings for economic crimes.

The first criterion is the nature of the criminal act: this examines whether differentiated adjudication is warranted due to the severity, scope, and specific characteristics of the economic crime.

The second criterion is the perpetrator: this criterion considers the offender’s status, position, and specific attributes in determining the necessity of differentiated criminal proceedings.

The third criterion is the consequences of the crime: this criterion evaluates the broad impact of economic crimes on society as a justification for differentiated criminal adjudication (Ayat et al., 2010).

In comparison to the criminal policy governing other offenses, economic crimes are typically addressed with a more preventive, stringent, deterrent, precise, and technical approach. For example, just as espionage and drug-related offenses were historically classified as severe crimes due to their widespread harm, economic crimes have been categorized similarly over the past two decades (Jafari Moslem & Aghababayi, 2021).

Economic crimes encompass a vast array of offenses, each of which harms the economic stability and social security of a society, disrupts interpersonal relationships, and negatively affects contracts, transactions, and social relations. However, certain economic offenses, due to their large-scale execution, have a more profound impact, leading to significant disruptions in economic order. Given the highly detrimental effects of such offenses—many of which are committed through organized networks and syndicates—it is necessary to implement stronger social responses and adopt more effective deterrent measures to prevent their occurrence.

In response to these challenges, the Iranian legislature enacted the **Law on the Punishment of Economic Disruptors** on December 10, 1990, which explicitly enumerates crimes that disrupt the national economic system.

3.1. Iran’s Descriptive Criminal Policy on Economic Crimes

3.1.1. The Legislator’s Criminal Policy Through a Conceptual Approach to Economic Crime

After examining the conceptual approach to identifying and categorizing criminal offenses, it is now necessary to assess the legislative approach to defining economic crimes and evaluate the feasibility of establishing a precise conceptual definition.

An examination of criminal laws and the relevant legal provisions on economic crimes reveals that, although the Islamic Penal Code of 2013 formally acknowledges the category of economic crimes, it does not provide a substantive definition of

the term. Instead, the legislature has merely enumerated specific offenses previously criminalized under various statutes and imposed specific penalties on them.

This method of defining economic crimes—by listing offenses that, in some instances, fall under related categories such as financial crimes, commercial offenses, and corruption-related crimes—without clarifying the conceptual basis or identifying the legal values being protected, has led to ambiguity and confusion regarding what constitutes an economic crime.

Economic crime is a modern legal concept that has increasingly raised concerns due to its threats to social stability, democratic values, ethical norms, justice, sustainable development, and the rule of law (Najafi Abrandabadi, 2008).

Throughout history, different criminal policies have been adopted for specific offenses, including economic crimes. If criminal policy is understood as the set of measures used to address crime, then no government in history has been devoid of a criminal policy, as every state has adopted some form of response to criminal behavior. Even the absence of a response constitutes a form of criminal policy (Abbas Zadeh, 2019).

A conceptual approach to criminal policy transcends its narrow association with criminal law and has evolved into a broader legal framework that encompasses theoretical and practical developments in norm-setting and legal responses to norm violations. Contrary to Feuerbach's perspective, criminal policy is not merely a subsidiary discipline of criminal law; rather, it represents the underlying rationale, purpose, and justification for criminal law itself (Piká, 1991). In other words, criminal policy embodies a goal-oriented approach to criminal law.

3.1.2. Evaluating the Feasibility of Providing a Precise Conceptual Definition of Economic Crime

While employing a conceptual approach in criminal classification—by clearly defining legal terms and revealing the essence of criminal conduct—is one of the most effective and practical methods for defining crimes, it does not always yield satisfactory results. Providing a comprehensive and definitive conceptual definition of all terms, especially compound terms, is often impractical.

One reason the Iranian legislature has refrained from offering a precise definition of economic crime may be the inherent ambiguity in the terms "crime" and "economic" and the challenges associated with their combination into a singular concept. The complexity of economic systems, the diverse nature of economic offenses, and the varying degrees of their impact on economic order make it difficult to formulate a universal definition that encompasses all instances of economic crime.

Furthermore, economic crimes encompass a broad spectrum of criminal behaviors, some of which are fundamentally distinct from one another. The association of these offenses with highly specialized and often ambiguous economic concepts further complicates the development of a precise definition.

Additionally, the dynamic nature of economic concepts continually introduces new forms of economic activity, leading to the emergence of novel economic offenses. Any attempt to establish a rigid legal definition may hinder the adaptability of criminal law in addressing these evolving challenges.

As stated in previous research, defining a legal term inherently confines its scope, potentially excluding emerging offenses that fall within its conceptual domain (Mirsaeedi & Zamani, 2013).

Therefore, in the following discussions, the criminal policy on economic crimes will be examined using a descriptive approach, as opposed to an exclusively conceptual framework.

3.2. Iran's Criminal Policy Regarding the Descriptive Approach to Economic Crimes

The complexity of the structure of economic crimes and the specific characteristics of their instances make it difficult to provide a comprehensive definition encompassing all types of economic crimes. Some scholars even argue that providing a precise and exhaustive definition of economic crimes is impossible (Mirsaeedi & Zamani, 2013). In general, the legislator has not provided any definition of economic crime. As a result, it is inherently impossible to derive criteria for distinguishing economic crimes from the legislator's explicit statements.

However, in Article 36 of the Islamic Penal Code of 2013, the legislator has classified certain offenses under the category of economic crimes and has introduced specific provisions regarding these crimes. Logically, these provisions should reflect a systematic approach and the existence of common criteria that justify their classification under economic crimes.

Therefore, in the absence of a defined or explicit criterion from the legislator, determining what criteria the legislator has used to identify and categorize economic crimes requires an examination of the enumerated offenses and the legislative approach toward them. A review of the Islamic Penal Code of 2013 and the provisions related to economic crimes suggests that the legislator, through a specific criminal policy outlined in the note to Article 36, has considered two main criteria: opposition to the economic system and the monetary value of the offense. However, the extent to which these criteria influence the classification of crimes as economic crimes remains debatable.

3.2.1. The Legislator's Confusion Between Normative and Motivational Descriptions

The criteria of opposition to the economic system and the large-scale nature of the offense are frequently discussed in defining economic crimes. The normative criterion refers to an offense's opposition to the economic system, while the motivational or quantitative criterion refers to the offense's classification based on its monetary value. This distinction arises from the fact that economic crimes often involve actions that violate economic norms while also being driven by financial motives or being assessed based on the monetary amount involved (Ebrahimi & Sadeq Nejad Naeini, 2013).

A close examination of the Islamic Penal Code reveals that the legislator has considered both of these criteria in identifying economic crimes. However, an analysis of the relevant provisions indicates that the legislator has not consistently decided whether opposition to the economic system (normative criterion) alone is sufficient to classify a crime as economic or whether the monetary value of the offense (motivational criterion) must also be considered.

To elaborate, the legislator, in the note to Article 36 of the Islamic Penal Code, does not explicitly refer to "economic crimes" but lists thirteen offenses and mandates the publication of their convictions in the national media or widely circulated newspapers. Article 47, which prohibits the postponement of sentencing and the suspension of punishment, includes economic crimes with a monetary value exceeding 100 million rials under its scope. Article 109, which excludes certain crimes from the statute of limitations, classifies fraud and the offenses listed in the note to Article 36 as economic crimes, provided that they meet the monetary threshold set in that article.

Given this, it remains unclear whether the classification of crimes under Article 36 as economic crimes is based on their monetary value (as suggested by Articles 47 and 109) or whether the monetary threshold is merely a condition for applying specific penalties rather than a defining criterion for economic crimes. This legal ambiguity has led to differing opinions among legal scholars.

Some criminal law scholars argue that the motivational criterion is the primary factor in defining economic crimes in the 2013 Islamic Penal Code (Ebrahimi & Sadeq Nejad Naeini, 2013). This view seems to stem from the argument that if the criterion were solely opposition to economic norms, the legislator could have classified these offenses under the Law on Combating Economic Disruptors (1990), which criminalizes offenses based on their normative impact rather than their monetary value.

Thus, based on the monetary amounts specified in the provisions related to economic crimes in the Islamic Penal Code, it can be argued that the classification of these offenses under economic crimes is determined by the scale of the crime and the financial gain pursued by the offender. The law establishes a monetary threshold to define the severity of economic crimes. Accordingly, under this law, offenses listed in Article 36 involving more than one billion rials are considered economic crimes.

Some scholars argue that this approach in the Islamic Penal Code aligns with the judicial policies and directives issued by the former head of the judiciary, which emphasized monetary value as the basis for defining major economic crimes (Najafi, 2007).

On the other hand, some legal experts argue that the numerical threshold established in Article 47 for economic crimes (100 million rials) is significantly lower than the threshold set in Article 109 (one billion rials). This discrepancy suggests that economic crime classification is based on the specific offenses listed in the law, rather than on any particular monetary amount (Hosseini & Mehr, 2015).

Given that the enumerated offenses in the Islamic Penal Code were previously criminalized under separate statutes and assigned specific penalties, some of them also fall into other categories related to economic crime. Therefore, the first perspective—emphasizing the motivational criterion—is not entirely dismissible and warrants serious consideration.

However, based on Article 47, the argument that the Islamic Penal Code recognizes economic crimes without considering a specific monetary threshold seems more accurate. Under this interpretation, the provisions governing economic crimes apply to offenses involving at least 100 million rials. Nevertheless, given the vague wording of the statute, this interpretation remains uncertain, and legislative clarification is necessary.

It is noteworthy that in drafting the Economic Crimes Prevention Act, the legislator attempted to resolve this ambiguity. Article 8 of this law explicitly states that offenses qualifying as economic crimes must meet the monetary threshold set in Article 36 of the Islamic Penal Code. While this provision clearly establishes monetary value as a criterion for economic crimes, it does not address the conflict between this definition and the provisions of Article 47 (Jafari Moslem & Aghababayi, 2021).

If the classification of economic crimes in Article 36 is contingent upon a threshold of one billion rials, then the provisions of Article 47 would not apply to offenses involving amounts between 100 million and one billion rials. This contradiction underscores the necessity of further legislative refinement.

3.2.2. Inconsistency in Applying the Criterion of Opposition to the Economic System

The previous section addressed the legislator's ambiguity in selecting the defining criteria for economic crimes. From the perspective of this research, opposition to the economic system is the fundamental criterion distinguishing economic crimes from other offenses. This criterion should be considered in any interpretation of the Islamic Penal Code's approach to economic crimes.

Economic crimes can be categorized either by their large-scale impact, where the financial threshold determines whether they oppose the economic system, or by their legal classification, where any criminal conduct violating economic regulations is deemed an offense against the economic system.

4. Strategies and Approaches for Combating Economic Corruption in the Second Phase of the Islamic Revolution

On February 11, 2019, coinciding with the 40th anniversary of the Islamic Revolution, the Supreme Leader of Iran issued a statement titled "The Second Phase of the Islamic Revolution" addressed to the Iranian nation—particularly the youth. This statement, after providing a brief historical overview of the Islamic Revolution, outlines the future vision in seven key areas: 1- Science and Research, 2- Spirituality and Ethics, 3- Economy, 4- Justice and the Fight Against Corruption, 5- Independence and Freedom, 6- National Dignity, Foreign Relations, and Demarcation from the Enemy, and 7- Lifestyle.

As observed, economy is highlighted as the third pillar, and justice and the fight against corruption as the fourth. The Supreme Leader has emphasized that achieving revolutionary ideals requires turning objectives into a widely accepted discourse (July 4, 2015). Discourse formation is a structured process that necessitates repetition and reinforcement of key concepts until they become part of the common language of society.

To establish a discourse on economy, justice, and the fight against (economic) corruption, institutions responsible for cultural development and discourse formation—including the media, universities, public speakers, scientific and artistic elites, and religious seminaries—must prioritize these concepts in content production. The Supreme Leader had previously stressed the importance of economic matters under various themes, including the introduction of the "Resilient Economy" concept in 2010, which served both as a strategy for economic growth and a preventive measure against economic corruption.

Corruption is a complex phenomenon influenced by multiple cultural, economic, and social factors. Every country adopts a localized model for corruption prevention tailored to its societal conditions. Preventing economic crimes is more cost-effective and beneficial than reactive and repressive measures. The Islamic Republic of Iran, by ratifying the Merida Convention on November 10, 2008, and enacting the Law on Promoting Administrative Integrity and Combating Corruption in 2011, has taken measures to address economic corruption.

The key questions in this section are: 1- What is the role and impact of the Judicial Transformation Document in preventing economic corruption? 2- What strategies and approaches should be adopted to combat economic corruption in the Second Phase of the Revolution?

The judiciary is responsible for protecting individual and social rights and ensuring justice (Article 156 of the Constitution). When the ordinary judicial system fails to effectively handle certain legal violations and crimes, one possible solution is the establishment of "special courts".

On August 11, 2018, the Head of the Judiciary submitted a 12-clause request to the Supreme Leader for the establishment of special courts to deal decisively and swiftly with economic disruptors and corrupt individuals, which was subsequently approved. The introduction to this request, as well as the Leader's approval, explicitly emphasized swift and decisive punishment as a strategic measure.

In implementation of Clause "B" of Article 120 of the Sixth Development Plan Law (2016) and to achieve the goals of Clauses 65, 66, and 67 of the General Policies of the Sixth Development Plan (2015), the Judicial Security Document, consisting of 37 articles (including a preamble, an introduction, and four chapters), was approved by the Head of the Judiciary on December 20, 2020.

A primary foundation of the Judicial Transformation Document is the return of the judiciary to its fundamental constitutional missions. The Supreme Leader has not only emphasized fighting corruption but also prioritizing anti-corruption efforts within the judiciary itself.

Combatting economic crimes establishes economic order and prevents the detrimental effects of economic disruption. Multiple factors, such as economic growth conditions, development programs, public awareness, advances in information and communication technology, the impact of economic crimes on market competitiveness, the Supreme Leader's directives, long-term strategic policies, and legislative plans, have heightened the importance of addressing economic crimes.

Expected strategic measures include: 1- Establishing special economic courts with expert and experienced judges, 2- Conducting swift and decisive trials with well-founded rulings, 3- Implementing rigorous judicial oversight on corrupt judges and employees within the judiciary (Najafi Abrandabadi, 2008).

4.1. The Second Phase Statement

The Second Phase of the Islamic Revolution Statement, issued on February 11, 2019, outlines the history and future vision of the Islamic Revolution as articulated by the Supreme Leader, structured around seven pillars: 1- Science and Research, 2- Spirituality and Ethics, 3- Economy, 4- Justice and the Fight Against Corruption, 5- Independence and Freedom, 6- National Dignity, Foreign Relations, and Demarcation from the Enemy, and 7- Lifestyle.

Both the Judicial Transformation Document and the Second Phase Statement, as higher-order policy documents, emphasize the prevention and fight against economic corruption and propose solutions for maintaining a healthy economy. Two of the seven key pillars—the third pillar (economy) and the fourth pillar (justice and the fight against corruption)—highlight the significance of this research.

The judiciary, as the institution responsible for enforcing justice, has prevention and anti-corruption efforts as one of its inherent missions. Following the Second Phase Statement, the judiciary developed a Judicial Transformation Document that analyzes judicial performance over the past 40 years, emphasizes its core missions, and outlines challenges and strategic priorities.

Some key strategies for preventing corruption include: 1- Expanding and strengthening special economic courts, 2- Employing experienced, specialized, and courageous judges, 3- Swift and decisive trials, 4- Holding corrupt employees and judges accountable within the judiciary (Ebrahimi & Sadeq Nejad Naeini, 2013).

4.2. The Fight Against Economic Corruption from the Supreme Leader's Perspective

The Supreme Leader, in his well-known "Eight-Point Directive" issued on April 30, 2001, officially launched the anti-corruption campaign. In Clause Seven, he stated:

"There must be no discrimination in the fight against corruption. No individual, institution, or organization should be exempt. No person or entity may evade accountability by claiming affiliation with me or other government officials."

The Supreme Leader has referenced this Eight-Point Directive more than 20 times in his speeches and has repeatedly emphasized the fight against economic corruption in over 150 instances. The key directives in this Eight-Point Directive to the heads of government branches regarding the fight against economic corruption include:

1. Overcoming hesitation among officials responsible for anti-corruption efforts.
2. Administering justice with firmness, precision, and sensitivity.
3. Avoiding symbolic or superficial anti-corruption campaigns and ensuring that real reforms are visible.

4. Eliminating favoritism in anti-corruption enforcement.
5. Assigning corruption investigations to trusted, honest, and competent individuals.
6. Identifying vulnerable financial and economic sectors.
7. Highlighting the interdependence of economic security and anti-corruption efforts.
8. Ensuring the Ministry of Intelligence fulfills its duties in this regard.

The Anti-Economic Corruption Coordination Headquarters and the Administrative Integrity Promotion Law were established under the Supreme Leader's directive on April 30, 2001. Other key legislative and executive measures include:

- Iran's accession to the United Nations Convention Against Corruption (2006).
- The Law on Free Access to Information (2008).
- The General Policies on Administrative Reform, issued by the Expediency Council on April 20, 2010.
- The Law on Enhancing Administrative Integrity and Combating Corruption, passed by Parliament on January 20, 2012.
- The Resilient Economy Policies, issued on February 18, 2014, which emphasize economic transparency and integrity.
- The establishment of the Social Affairs and Crime Prevention Deputy Office within the judiciary in 2010.

Economic corruption facilitates other crimes. Maintaining economic order requires decisive action against economic disruptors and criminals. Economic crimes significantly impact market stability, public trust, and national economic security (Haji Zadeh et al., 2019).

4.3. Emphasis on an Efficient and Specialized Judicial System in Combating Economic Crime

The primary purpose of establishing judicial institutions in any country is to uphold justice and enforce penalties against individuals who, by violating criminal laws, endanger the order and security of society and its citizens. When the existing ordinary judicial system fails to effectively address certain legal violations and crimes, one solution is the establishment of "special courts".

On August 11, 2018, the Head of the Judiciary, through a 12-clause request, sought permission from the Supreme Leader for the formation of special courts to deal swiftly and decisively with economic disruptors and corrupt individuals, a request that was granted. These courts were established with the expectation of certainty in punishment, expedited proceedings, decisiveness, high efficiency, integrity, and immunity from external influence.

To implement the Supreme Leader's directive and support lawful investment, prevent corruption, prosecute offenders, and investigate and adjudicate major economic crimes, a judicial complex known as the "Judicial Complex for Economic Affairs" was formed (Article 1).

According to Article 7, a "Bureau for the Protection of Lawful Investments and the Prevention of Economic Corruption" was established within this Economic Judicial Complex, with its primary objective being the prevention of economic crimes specified in the relevant directive (Mehrabkhsh, 2015).

The most common reason for establishing special anti-corruption courts is the desire to improve the efficiency of the judicial system in handling economic corruption cases. These courts can streamline judicial processes for corruption cases in various ways. To expedite proceedings, many countries impose special deadlines in anti-corruption courts.

Rulings issued by these courts are final and immediately enforceable, except for death sentences, which can be appealed within a maximum period of 10 days before the Supreme Court (Clauses 4 and 10 of the Head of the Judiciary's letter to the Supreme Leader).

Another reason for establishing special anti-corruption courts is ensuring consistency and guaranteeing that corruption cases are adjudicated by an impartial and independent tribunal. The third justification for these courts is the need for greater judicial expertise.

According to Clause 1 of the authorization request and Article 22 of the Executive Regulations on the Adjudication of Economic Disruptors (November 14, 2018), judges of special anti-corruption courts must have at least 20 years of judicial experience. These courts are composed of one presiding judge and two associate judges.

4.4. Transparency in the Assets of Officials and Judicial Rulings

Transparency, in its literal sense, means clarity and openness. A legal rule, regulation, or judicial process is considered transparent when it is easily understandable, much like how a transparent window allows for the clear observation of objects.

The concept of transparency is based on three metaphors:

1. Transparency as a public value adopted by society to combat corruption.
2. Transparency as a synonym for open decision-making by governments and non-profits.
3. Transparency as a sophisticated tool for good governance in programs, policies, organizations, and nations (Haji Zadeh et al., 2019).

In the first metaphor, transparency is closely intertwined with accountability. In the second, since transparency encourages openness, concerns regarding secrecy and privacy increase. In the third, policymakers associate transparency with accountability, efficiency, and effectiveness.

The establishment of a culture of transparency requires long-term strategic measures. Transparency culture aims to overcome secrecy and reverse the traditional assumption that confidentiality is the norm and transparency the exception.

Laws and institutions that support transparency include freedom of expression laws, press freedom, freedom of information, e-government initiatives, competition law, anti-corruption measures, conflict-of-interest regulations, and protections for whistleblowers and journalistic sources.

Countries striving for a culture of transparency and achieving relative success in this regard promote the slogan "Turn iron houses into glass houses" and pass various transparency laws. These laws generally recognize secrecy only when absolutely necessary.

In a culture of transparency, national security, state secrets, public order, public morality, privacy, and the dignity and reputation of individuals remain important—but they do not override the principle of transparency.

The principle of transparency is embedded in high-level Iranian legal frameworks, including:

- General Policies of the Economic Security Sector (1999): Clause 3 states that laws, executive policies, and regulations must be consistent, stable, transparent, and coordinated.
- Clause 5 of the same policy mandates equal and fair economic opportunities (access to information, free participation in economic activities, and legal privileges) for the public, cooperative, and private sectors (Haji Zadeh et al., 2019).

The Law on Asset Declaration of Officials, Authorities, and Government Employees of the Islamic Republic of Iran was enacted in accordance with Article 123 of the Constitution. This law, initially passed by the Islamic Consultative Assembly on May 7, 2012, underwent major revisions and was re-approved by the Expediency Council on October 31, 2015, comprising 14 articles, 22 clauses, and one note.

Article 5 of the Judicial Security Law stipulates that the principle of transparency ensures the quality of laws and judicial rulings by making them comprehensible and clear to all citizens, thereby increasing the credibility of the legal system (Judicial Transformation Document, 2020).

5. Conclusion

Despite the diversity of Iran's legislative, judicial, and executive policies in combating economic crimes and corruption, many efforts in this regard have failed due to various reasons.

One of the main reasons is the imbalance between the institutions combating economic crimes and economic offenders. The lack of a unified and structured organization with both legal authority to address economic crimes and accountability for their causes has significantly weakened the fight against economic criminals and hindered efforts to eliminate the roots of economic corruption.

However, previous studies have not sufficiently addressed the necessity of establishing such an organization with a centralized and accountable approach, despite acknowledging the need for its legal independence.

Currently, multiple organizations are responsible for combating economic crimes, including the police (NAJA), the Ministry of Intelligence, the Judiciary's Intelligence Protection Unit, and various inspection and oversight bodies.

Over decades of legislative efforts, Iranian lawmakers have attempted to define the nature of economic crimes, distinguish them from other offenses, and implement appropriate criminal and non-criminal measures to prevent them.

However, one of the reasons economic crimes have increased in recent years is the cautious and pragmatic approach of Iran's judicial and oversight institutions in legally addressing certain individuals, organizations, and entities engaged in such crimes.

The lack of firm action by regulatory bodies has allowed economic offenders to infiltrate Iran's executive, judicial, and legislative systems.

According to Article 20 of the 1989 Constitution, *"All individuals are equal before the law."*

A major structural issue in Iran's economy is the complexity and inconsistency of regulations. In today's world, economic and financial regulations must be transparent, precise, and stable.

Iran's banking, customs, and tax systems are so convoluted that many investors either avoid entering the market altogether or resort to bribery and illegal deals to circumvent bureaucratic hurdles. This, in turn, creates further economic corruption.

The key question raised in this study is:

"Has Iran's criminal policy been effectively designed to reduce economic crimes?"

It appears that Iran's criminal laws have not been properly structured to reduce economic crimes, and the primary objective of criminalization in this domain is to provide legal protection for the national economic system.

Therefore, no individual or entity should be exempt from the law.

A comprehensive approach combining proactive (pre-crime) criminal policy with reactive (post-crime) criminal policy—integrating both governmental and non-governmental measures—is necessary to reduce crime in society, including the fight against economic corruption.

However, reactive (criminal) policy should be a last resort, as it has many drawbacks, affects offenders physically and mentally, and complicates their reintegration into society.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

Acknowledgments

Authors thank all participants who participate in this study.

Conflict of Interest

The authors report no conflict of interest.

Funding/Financial Support

According to the authors, this article has no financial support.

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