Prevention of smuggling gun crime in the criminal policy of Iran and United Nations

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ABSTRACT: The prevention of misdemeanant as a method of criminology has an effective role on controlling misdemeanant. Prevention of gun smuggling crime is one the kind of organized and international crimes as an inevitable requisite. The United Nations has done a lot concerning about the international organized crimes which it’s the most important action is admitting a convention against international crimes and its dominated document. The third document is the most important and the first judicial document which makes judicial requisite in this concern.

In Iran law system it has not been predicted a proper regulation about gun smuggling. Of course the governing the predicted laws in this concern in prediction of this crime is not inefficient.

Keywords: Prevention, gun smuggling, criminal policy, United Nations organization

INTRODUCTION

Case study

The phenomenon of misdemeanant is being in all human society and its task is applying a proper crime policy it is efficient and applicable. The reflex of this misdemeanant is on conflict with society interest can be via execution. But the role of uncritical actions (the preservative actions) in controlling misdemeanant is undeniable.

The preservation of some crimes such smuggling is opposing a crime and it threaten the security of state and citizens in risk and it is important.

Smuggling gun is one of international and organized crimes and it consist of vast organized crimes and in spite of its social- cultural economical aspects it is vital and a serious threat for human society. This kind of crime regarding to its bad future effects is one of fundamental crime against human society. The gun smuggling because of its high benefit has the first grade between narcotic and human smuggling and this is one of main reason of crimes growing to this kind of crime. Therefore by paying attention to this kind of harshness in future can break fundamental human rights and it is inevitable.

Iran country because of its strategic situation for smuggling gun though dong preservative affairs it can be affective in opposing this kind of crime.

Opposing with this kind of crime is a world attempt that all countries would take part in vast group. In this concern the United Nations organization by paying attention and coordinating the dangers and risks and policies with this crime it has admitted a convention against the organized crimes, and the third protocol to smuggling gun contain the preservative affairs in opposing gun.

Smuggling. So regarding to the mentioned details the following questions have been made:

What is the position of no criminal preservation in Iran and United nations? Is there any preservative action predicted for opposing organized crimes?

Background

It has been written different studies concerning to organized crimes and the ways of prevention and also differact article have printed due to gun smuggling and its harmful effects but here they were not analyzed specifically in criminal law of Iran and United nations, and it can pointed to the followings.

Salimi Sadegh, smuggling gun as an organized and international crime, Magazine of international law, the center of judicial affairs of judicial deputy of parliament and presidential No.29, winter 2003 in this article it was pointed to the preservation affairs about smuggling gun.
Mosafa, Nasrin, Shahnouri, Neda, analyzing the effects of applying little and huge guns and its illegal applications, Magazin of law and politics faculty, No.2, summer 2010 in this article also it was not pointed to the preservation affairs about smuggling gun.

Goals
It is analyzing the prevention of misdemeanant as a method of criminology has an effective role on controlling misdemeanant.

Main structure
In this article it is pointing prevention of misdemeanant as a method of criminology has an effective role on controlling misdemeanant. It realizes the relations between the crime of smuggling gun and its prevention in Iran law and international territory.

The concept of preservation
The word prevention has two angels: it means preventing and obstacle something, going forward and also it means informing and alerting. In criminology prevention its first meaning is applying.

«Prevention in expression have two general meanings, it is pointing to the methods of preventing some crimes, prevention in this meaning also means the preventive actions which they have the quality no criminal and not offensive and it contain the (the punishing operations and needing actions).

Also Prevention of crime in its general meaning can define as following:
«Prevention of crime means preventing, evaluation of crime risk and needed operations in front of crime.»

Ultimately by paying attention to prevention of crime and the preventive affairs find the meaning that they operate before doing the crime, it decrease the possibility of crime or make it impossible.

The position of prevention of smuggling gun crime in Iran criminal law and United Nations organization
It is obvious unsuccessfulness in controlling preventing crimes in criminal law it lead to new themes in the phenomenon misdemeanant. Regarding to the Bentham's principal which believe on this the criminal man is one committed crime and they can make it constable for criminal's nut it should not neglected the no criminal operations in controlling crimes.

United Nations operations
The congress of crime prevention and reforming criminals
It is considerable for opposing international organized crimes, the United Nations due to its main task about providing international security, it applies all criminal founds specifically the international organized crimes.

«One of the aspects of this application, making five-year congress of prevention crime and reforming criminals by the experts presenting and the deputies of other countries. This organization via providing opportunity of discussing in different fields of criminal policy and criminal justice by issuing documents about different affairs they make different regulating devices for states and reforming judicial systems.» The United Nations for opposing with misdemeanant in the fifth congress about crimes and reforming regulations in (1975) in Geneva it pointed to the organized international crimes after the fifth congress it has been the subject of different commissions continuously for different organizations.

In the seventh and ninth congress it was mentioned to gun smuggling directly and it was known as one on the international organized crimes. Also it was one of main affair in eleventh congress of United Nations organization at 2005 in Bankbook that they were efficient operations against organized crimes. It is necessary to tell that the United Nation organization changed the charter No. 56/119 which was admitted 19 Dec 2001 changed the article of this congress to "prevention of crime and crime justice".

Admission of international documents
Making security in the world it is depending on opposing to such organized crimes specifically crimes smuggling guns in nation and international territory. What is very important in this concern is that struggling the nation actions were not sufficient for prevention, opposing and it needs more coordination of international attempt. Off course it can be operational on condition that all nations coordinate in this concern with out any doubt.

The comprehensive dangers in international organized lead to admit a convention of United Nations congress against organized international crimes with two added protocol in 2000. The third protocol which was related to gun smuggling admitted in 2001 by general assembly. In its first article the aim of
Accomplishment was promoting the cooperation between the member states for struggling with organized crimes. Also due to article 31 of the convention the member states should expand the agenda and evaluate the angles of organized crimes and it promotes the policies.

It is in priority in smuggling gun at international documents and they are the main methods of struggling with gun smuggling. In the second part of the convention about smuggling gun it was predicted some actions. This protocol is the first judicial document in this concern.

Also the main aim of admitting the agenda against the illegal trading little and light guns in all its aspects in June 2001, it is about demolition and prevention and fighting with illegal gun trading. During this document the states participating in United Nations congress about illegal trading little and light guns, they were all committed to insist on opposing this kind of illegal trade in all the world.

In addition to this in paragraph one and two of this international document for empowering and countries to identify the illegal light and little guns admitted (2005) and the goal of its admission was just empowering states to struggle little gun smuggling and fighting with it in all aspects.

It is considerable for opposing international organized crimes, the United Nations due to its main task about providing international security, it applies all criminal founds specifically the international organized crimes.

As it is observing the United Nations organization by admitting two mentioned documents tried the best to struggle with these two kids of crime and the number of these documents are pointing to its importance of prevention of smuggling gun.

**Prevention in Iran laws**

«It was entered in Iran judicial system and lots of other countries by impression of United Nations and they have been all predicted different laws and regulations.» In this concern it can point to line 5 of article 156 constitutional law, line 8 of article 4 of police laws admitted in 1990, the article 23 of the of reforming opposition with narcotics law and the admission of prevention of crimes admitted in 2006.

According to the article 19 of the law of execution of gun smuggling and the owners of illegal weapons admitted (2011) the stated should put a budget aside for opposing with them via Security Council of country.

Also the ruler in this concern at article 17 of this law expressed that the security guards are responsible to fight with these crimes and arrest them to deliver them to the judiciary system and it know six month execution to the determined crimes and even seven and eight months of exempted executions for encouraging the committers to coordinate with law.

Regarding to what was expressed it can be told that just in Iran judicial system there is not commitments and the preventive affairs were paid attention too.

**Kinds of preventions**

**Official and civil prevention**

The official and civil prevention is in fact the preventions due to criminal phenomenon. It is regarding the lint T of employing law admitted (2/6/1966) one that has major execution experience can not be employed in any of twelve administrations for any post in any ministries. It is an important fact about having sever execution experience regarding to employed in jobs concerning to guns. It had been better the ruler applied the expression of specific jobs instead of the expression gun observer, so in this concern anyone who has the experience of criminal execution never employ in jobs which are concerning to Guns, because the owners of these jobs are the facilitators of the smuggling gun crime and the crimes related to them.

Also the ruler in the law of smuggling law admitted (2011) it had not predicted specific commitments and execution for the gun smugglers in local employees of state. In this concern the excisions such being apparent permanently can be suitable.

**Social preventive predictions**

In this article it is pointing prevention of misdemeanant as a method of criminology has an effective role on controlling misdemeanant in the territory of social, economical, cultural and judicial.

**Distribution and empowering religious beliefs**

Nowadays lack of religious beliefs reconsidered the main reasons of social miscellaneous, God believing causes that one does not do any prohibited affair because God is observing what we do.

Distribution and cultural comprehension in constitutional law too. In the third principal of constitutional law it was brought that it should be made a acceptable spot depending on ethical and depending on fair with all aspects of failure. Also it has been found in the fourth plan of economical, social and cultural improvement
(2004-2009) there is also a part as "looking for one of Iranians-Islamic culture, it was donated to promotion of culture.

**Invading social and economical problems**

The social and economical problems are as done a lot concerning about the international organized crimes which it’s the most important action is admitting a convention against international crimes and its dominated document. The third document is the most important and the first judicial document which makes judicial requisite in this concern.

Also in article 95 of social, economical and cultural promotion article, the state is responsible for making justice in society and also social stability, decrease of socials unfairness and etc.

Ultimately it can be told that such providing human sources and social fair which are important as conservative operations and by paying attention to the law it can be prevented of smuggling gun crime.

**Increasing public awareness**

Alerting and informing the people in the society with the disadvantages of this kind of crime which is as the organized international crime can be preventive in this concern. In addition to this by picturing the vital results of these crimes can be effective in this concern. Because it is clear to everybody those in peaceful situations it has no application and it is just for doing crimes.

It was brighten guns, because the owners of these jobs are the facilitators of the smuggling gun crime and the crimes related to them.

The majority of people are aware of organized crimes and some of them refer to this crime without any knowledge. Therefore by increasing the public information the situations for taking place organized crime becomes more ready and they can know them so better.

**The preventive regulated laws**

The regulate prevention is with people interfering on the crime situations and also the pretended positions for doing the crimes due to making crimes to declining them to do more crimes. In regulated prevention the goal is demolishing the situations which lead to doing crime.

**Border preventions**

Controlling and preventing the gates of exiting and entering is the most current method of preventing the crime of smuggling.

The role of government of border knows the smugglers an important danger for the central state and as it would be sanded by the enemies with other interests and they would have bad effects. So it can be told that one of the ways of preventing borders from others invasion and it is border prevention. Now due to the article 4 line 10 admitted 1990 the looking after and protecting borders is on security gourd responsibility which they should be equipped to well and modern facilities.

**Observing transportation institutes**

Today by promoting transportation replacing the goods become easier and this task facilitate dong crimes. Therefore it should be pay attention more to transportation institutes.

**controlling and observing martial's positions**

The ruler brings in article 503 of civil law: «Anyone who arrested by designing plans for reaching to martial or security secrets or breaking in to the positions illegally on taking photos or making plans of martial positions he will be committed to six months or three year prison.» Controlling and observing martial positions are from the other attempts in opposing smuggling gun, they facilitate smuggling gun.

**Gathering illegal weapons**

Gathering illegal weapons from all country is one of other preventive aspects which demolish the possibility of dong crimes. So the Security Council actions for gathering illegal weapons are one of other preventive affairs.

In addition to these regulations on article 16 is exempted delivering illegal guns and weapons to people and it was arranged in preventive affairs which is opposing the smuggling gun.

**The role of security initiations in preventing gun smuggling crime**

**supreme council of national security**

Depending on the article 176 constitutional law, as providing the interests of Islamic republic and territory prevention, and overcoming presidential part and they are as followings:
Providing defending and security in the ground of policies by the leadership. Coordinating political, informational, social, cultural and economical affairs concerning to security – defending policies. Applying subjective and virtual sources of country for putting opposite of internal and external threatens.

In article 19 of executing smuggling guns and weapons and illegal weapons admitted (2011) they solve social and security and gaining from this law in the country and the state is responsible for pretending taking place the crimes and the plans of specific plans and they should be provided by the security council of country.

**Ministry of information**

Regarding to article 1 of accomplishment of ministry of information admitted 2/7/1983 «Due to gaining security information and external data and pensive information and gaining needed information for opposing local and foreign enemies and defending their antagonism operations about Islamic republic, it was formed the ministry of information.»

The responsibilities of information ministry are as followings:

Giving and gathering news and providing, analyzing local and foreign information, inventing the spy operations and destructive actions due to making disordering against Islamic republic of Iran system and giving necessary information to organizations and institutions regarding to informing them about the destructive actions. It should not be unexpressed this responsibility is on judicial experts off course it is due to article 4 of the mentioned d law.

Concerning to the security form of article 19 of trade law it was pointed by the security council of country and regarding to article 5 of the establishment of Islamic courts admitted in (2/6/1994) these crime are in responsibility of revolution court, it can be told that the ministry of information can be effective in struggling with smuggling gun crime and they are superior to other organizations for over coming this crime.

**Preventive operations regulated in international documents**

It has been identified some operations about guns and certifying the weapons, observing on weapon trading and the preventive operation that they are all the preventive actions.

**certifying the weapons**

«It is becoming possible importing guns and also identifying and navigations illegal weapons it was predicted three stages of reforming certifying the weapons, register and certifying on weapons out of arrangements.

**Registering weapons**

Depending on article 7 of the protocol between the aligned states it was not assured about providing information needing for identifying weapons in the requisite times and also the weapons smuggled illegally, at maximum preserving by 10 years.

**Marking the weapons**

Depending on line 1 of article 8 the protocol aligned states are identify and navigate the weapons on the time of production and they would be marked when transforming also the aligned states were encouraged doing some actions for demolishment of making weapons. (Line2, Article 8)

**Observing on weapons out of arrangement**

As there is not enough observation on out order weapons, there is this possibility they are abused. Depending on the protocols between aligned countries, they do not know an out of order weapon as a warm weapon; they should do preventive operations about putting them out. (Article 9 of protocol)

**Observation on weapon trade**

The aligned states have obliged to apply an organized system for importing and exporting warm weapons and in this concern catch the certificate and also do well about transporting warm weapons.

**provided operations**

The provided operations have done in this concern they are the acts for preventing the actions for stealing or abusing of warm weapons. In this concern the aligned countries were to identify, preventing, demolishing, stealing and also illegal weapons and they were done in the following subjects.

When producing, importing, exporting, and passing it from the country it needs security to its spare parts.
Being effective on controlling importing and exporting in the time of passing with cooperation of duty inspectors and upgrading police and duty border controlling. (Article 11 of protocol)

The preventive operations are in the protocol against the warm weapons were mentioned in other documents.

The requisite of marking weapons in paragraphs 7 & 8 in the second part of agenda and it was defined in paragraph 7 of international document in two mentioned documents. (Paragraph 7 second part the agenda of operation and paragraph 11 of empowering document.)

The other point which is necessary in an international document of the states of weapons (Paragraph 14) and technical helps for navigations (Paragraph 27) was defined.

CONCLUSION

The prevention of smuggling gun crime has a direct relation with the security of state and citizens and its undesirable affections are very important in national and international territory which should be in priority.

The actions of United Nations organization in this concern from this form of illegal trade has admitted different documents and it is pointing to desirable about warn weapons. In this concern it was predicted the prevention actions and regarding to its operation about smuggling gun is effective.

Iran is besides smuggling gun because of its geographical and political position. Nevertheless making preventive criminal polices beside the criminal actions is effective overcoming the crime. In the criminal policy of Iran it was not declaring different aspects of criminology of smuggling gun and it was predicted social preventive actions in different laws. Also the regulative prevention is pointing to transportation institutes and observing the martial positions and gathering illegal guns though it destruct crime.

Suggestions

Admission smuggling gun as an organized crime and proving international documents to find solutions very exactly and scientifically and it can be very effective in prevention of gun smuggling.

Making and regulating comprehensive laws via experts for preventing gun smuggling.

Supervising on operational preventive regulations in laws.

Doing some operations in promoting people knowledge in dangers of smuggling gun

Signing a contract of cooperation with other countries for sharing their experiences in this concern.

By paying attention to Iran geographical situation and having long borders, it should be empowering police operations in this concern.

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