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CRIMINALIZATION OF UNJUST POSSESSION IN THE LIGHT OF INTERNATIONAL DEVELOPMENTS WITH EMPHASIS ON IRAN'S CRIMINAL POLICY

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ABSTRACT

The crime of unjust possession is one of the crimes whose perpetrators somehow seek to hide the source of their criminal operations by purging it. This crime has always been considered by the legislators of the countries in the past due to its many consequences on the economies of countries and in the international community, and it has been mentioned in international documents, including the Budapest documents. This crime, because it somehow washes and cleans dirty money, has caused many of the perpetrators of this crime, who are usually white-collar workers, to easily escape the consequences and escape the clutches of justice. In the face of this phenomenon, our legislator has acted in a supra-central way and in criminalizing this crime, he has even been subjected to the private property of individuals, which is in conflict with the recognized principles of the constitution and respect for the legitimate freedoms of individuals.

INTRODUCTION

Unjust possession is one of the crimes that endanger both the security of the country and the economy of the country. A crime that, if left unchecked, will covertly disrupt the country's economic pillars and disrupt the economic cycle. This offense also causes investment instability because in practice it leads to the allocation of resources for poor productive activities (Schneider et al, 2008, pp. 387-384). Another serious harm of money laundering is the risks it poses to the reputation of financial institutions and markets. (Bartlett, 2002, p. 45) Another and most important effect is to lay the groundwork for corruption and organized crime and thus impose the resulting social costs on society (Gounev et al, 2010, pp. 326-

359). Money laundering is currently a serious threat to various aspects of human life, especially the integrity and stability of the global financial system, so the fight against money laundering has become a priority in the fight against crime (Shafizadeh Dizaji, Ardabili, 1397, p. 123). Due to its many consequences for the economic situation, it has always been considered by the legislators of countries, including Iran, which due to its strategic position and proximity to drug-producing countries such as Afghanistan and Pakistan are highly exposed to drug-related crimes such as money laundering and income. (Gholami et al, 2011, p. 111) Our country has always faced this crime repeatedly, especially in recent years, and the legislator decided to amend the money laundering law in 1397 to deal with this crime. Among the clauses provided for in this law is Note 2 of Article 2 of the Money Laundering Law, and because the fight against this crime is well done and in some way reduces its consequences on the country's economy, therefore the legitimacy of Sussi has targeted individuals and caused them to question the principles of the constitution.

1. Jurisprudential background

The jurisprudential background of the comment should be sought in the institution of the property of falsehood, that is, unjust possession or misuse and rely on the holy verse of Surah An-Nisa '(Safaei, 1392, p. 371), (Katozian, 1395, p. 546), (Jafarzadeh, 1390, p. 235). Some jurists have considered this verse as the most complete possible way to express the rule of prohibition of unjust possession (Emami, 1398, p. 351). Unfair possession means that a person has property without legal or contractual reason and to the detriment of others (Alidoost, 2016, p. 9) Note 2 of Article 2 considers having property to be in some way in accordance with the rule of property invalidity and considers the principle of illegitimacy of property. Proof of its legitimacy is the need to provide positive evidence. In the jurisprudential discussion, the property of a person with false property may obtain money that is not accompanied by the reduction of another person's property, such as if a person obtained money through haram, although no one is harmed in this regard. However, in Note 2 of Article 2, some kind of loss in the title of the article is implicitly assumed because the property resulting from this crime causes crisis and loss to the country's economy, even if a natural person is not harmed by this action. Among other jurisprudential reasons in this regard, one can refer to the harmless rule. Motahhari writes about this rule: Another aspect that mobilizes and adapts to this property and keeps it alive and immortal is that a series of rules and laws in itself This religion has been established, whose job is to control and modify other laws. The jurists call these rules the ruling rules. Such as the immutable and harmless rules that govern according to jurisprudence (Motahari, 1394, p. 122). The basis of this rule is that although persons are in control of their property according to the rule of domination, but if their work and property are harmed by the community, the rule of domination loses its validity and according to the rule of harmless government can according to Note 2 of Article 2 of individuals' property. To seize. The most important reason for the rule is called the harmlessness of the intellect. The meaning of this rule is a part of the intellectual independence, which means: matters that reach the intellect

without the rule of Shari'a (Mohaghegh Damad, 1406 AH, p. 131). In matters of business relations and transactions before certain texts, it is documented that the rational and religious rule is harmless. This rule restricts the right of possession and ownership to transactions for the benefit and without harm to the individual and society.

It is customary to determine the extent of the damage that restricts the right of ownership, use, and the rule of domination. According to this principle and other principles (such as the principles of ownership over the public interest and the principle of just Islamic rule), the ruler has the right to seize public resources and can seize private property according to the materials sent (Gawahi, Saghafi, 2016, p. 41). It should be noted here that in Note 2 of Article 2, the legislator has used the jurisprudential rules for the just Islamic ruler to provide the right of entry and possession in terms of the interests of the sender, but the entry and possession that is in conflict with recognized principles and civil rights The principle of innocence is the rule of domination. Another case that can be mentioned about the jurisprudential background of this comment is the rule of souq, which according to the broad meaning of this rule, in addition to proving tazkiyyah like the rule of iodine, also proves property. As it has been said, according to this rule, if transactions and transfers were made in the Muslim market, including the market of cash transactions and the market of stock exchanges and financial institutions, etc., the principle is that because it is in the Muslim market, all these processes are religious and correct. And it is valid and research and search of their origin and source is not necessary (Heidari, 1383, p. 147).

2. Legal doctrine

One of the pillars of unjust possession is that the use is done illegally and illegally. This happens when the use has no legitimate direction (Safaei, Pishin, p. 375). Iranian jurists have argued in examining the basis of this rule. Some of them have tried to justify this rule on the basis of the cause of obligation and have explained it in this way without any legal reason to harm someone else (Emami, Pishin, p. 351). Another lawyer believes that the legal basis is the unjust acquisition of illicit property without legal permission for wealth. This is also compatible with the prohibition of wrongdoing in the Qur'an, and the legislator should have been obliged to return the property that I received unjustly to the owner by creating wealth without a legitimate reason (Katouzian, ex., P. 546). Iran also knowingly transfers goods that have been acquired as a result of committing other crimes against acquired property, if there are other conditions, under the title of transfer of property, which is a type of fraud, if there are other conditions to be prosecuted (Mir Mohammad Sadeghi, 1398, p. 326). Therefore, the legal background of Note 2 of Article 2 can also be found in Article 662 of the Islamic Penal Code, which somehow hides and trades stolen property by purifying its origin, and traces of Note 2 in Articles 301 and 302 of the Civil Code can also be found. He also sought to obtain property which, in turn, was unlawful.

3. Challenges of the principle of innocence

The government's proposed bill on money laundering, and consequently Note 2 of Article 2 of the above-mentioned law, has been prepared and submitted in order to achieve objectives such as proportionality of crime and punishment, deterrence and effectiveness of punishments, the need to include crime originating abroad. Regarding the bill proposed by the government, jurists and jurists, pointing out that according to paragraph 2 of Article 158 of the Constitution, which has made the preparation of judicial bills appropriate to the Islamic Republic among the duties of the head of the judiciary, as well as paragraph 2, commentary number 1065/21 / 79 dated 30/7/1379 of the Guardian Council, which states: The cabinet can not independently prepare a judicial bill and send it to the Islamic Consultative Assembly for final approval. Therefore, the presentation of any bill that has a judicial content must be by the head of the judiciary and is beyond the competence of the government. Based on the above, it seems that this bill, contrary to paragraph 2 of Article 158 and the related interpretative opinion, is under consideration in the parliament. There is another objection to the bill in question, which is also related to Note 2 of Article 2. Establishment of the Supreme Council for the Prevention and Suppression of Money Laundering and Terrorist Financing, which according to Article 156 of Article 5 of the Constitution, is one of the powers of the Chief of the Judiciary, and therefore the creation of a council whose main components and objectives are to prevent some Crimes, presided over by the Minister of Economy and Finance and composed of members within the executive branch, are considered contrary to Article 156 of the Constitution. The Law on Crime Prevention was approved by the Expediency Discernment Council on 6/21/2015 with the aim of performing the duties stipulated in this law. It was created by the head of the Judiciary and according to Article 3 of the same law, determining strategies, executive policies and national prevention programs. The occurrence of a crime within the framework of the general laws and policies of the system is considered as one of the competencies of the said council. Therefore, it seems that part of the issue of the Council for Combating and Preventing Money Laundering and Terrorist Financing is contrary to the decision of the Expediency Council regarding the Law on Crime Prevention and therefore contrary to Article 112 of the Constitution. Another objection is related to the composition of this council, explaining that if the council is an executive council, the membership of persons outside the judiciary is considered contrary to Article 60 of the Constitution, and if it has another nature, including judicial nature, the membership of ministers in this council has no legal validity. (Detailed discussions of the Guardian Council Consultative Assembly dated 8/3/97).

3-1. Positive documents

In the report of the one thousand eighty-four and four consultative meetings of the jurists on 6/3/1397, the opinion of some jurists was that the meaning of having the property subject to this law is to provide positive documents. Even if the person who owns the property owns the property and the person does not own the property, it is against the Shari'ah if it exists. Article 142 of the Executive Regulations stipulates: The persons involved must keep the documents, records and records related to work

interactions for (10) years in such a way that at the request of the competent authorities, it is possible to submit these cases immediately. Documents, documents and records The subject of this article is the following: 1. Documents, documents and records related to the identification process, including simple, ordinary and double client, including the image of documents that prove the identity of the client and the real owner; 2- Documents, records and records of accounts and commercial correspondence; 3. Documents, records and records of transactions and financial operations, whether domestic or international, so that these records contain sufficient information about the property (including the amount and, as the case may be, the type of currency used in each transaction) and the possibility of restructuring the process of each transaction. The information, documents and evidence necessary to prosecute criminal activities can be provided.

Note 1- In case of liquidation of the involved legal entities, as the case may be, the relevant administration or liquidation board is also obliged to keep the information and documents for (10) years after the liquidation. Contrary to the opinion of some members, positive documents were general and included in this, so the comment is not against Sharia in this regard (Jurisprudential Advisory Assembly of the Guardian Council, Report of Meetings 1083 and 1084, 7/3/1397). In this case, if the iodine rule is considered as a positive document, the property of the persons is considered to be somewhat respected and the possession of the property remains respected and inviolable until its illegitimacy is proven. Regarding the confiscation of property, the jurists have stated that if the confiscation of property is meant, the application of confiscation of property in terms of inclusion has an objection to the presumption that the owner is known and should be returned to the owner. Article 42 of the Executive Regulations regarding the confiscation of property states that: confiscation; Temporary prohibition of the transfer, conversion, alteration or transfer of property suspected of money laundering or terrorist financing or their seizure in any form in accordance with an order issued by a court or competent authority. Regarding the manner of seizure, Article 124 of the Executive Regulations specifies the obligation and stipulates: If the order of the judicial authority does not specify the manner of seizure, the manner of seizure of all types of property is at least subject to the following measures: 1- Types of foreign currency and Rial deposits : Prevent cash or electronic withdrawals from the account; 2- Types of cards and payment tools, including gift cards: Deactivation of backup accounts; 3- Types of listed and non-listed securities: preventing the transfer of ownership and any benefit of the person from the profit from the ownership; 4- Other commercial documents, including anonymous papers, bills of exchange, registered checks and anonymous checks that are presented for the benefit or collection in favor of the person or by the person: keeping in the court file and refusing to settle; 5- Cash, whether in Rials or foreign currency: deposit to the account designated by the center after the announcement of the Judiciary; 6- Letter of credit: refusing to issue any declaration of providing foreign exchange and declaration of termination of obligation in favor of the person; 7- Bank guarantees: refusal to make payments to the real owner;

8- Bank facilities: Refusal to pay the amount of facilities to the applicant or the real owner, whether the payment is a lump sum or a period; 9- Documents subject to banking facilities and obligations: Refusal of mortgage 10- Licenses and licenses of economic activity, including business and business card licenses: Keeping in the court file and preventing the exploitation and continuation of the activities of the units established by it; 11- Fixed and mobile communication tools and lines: blocking in two ways; 12- Motor vehicles, including air, land and water: prevent the transfer of their ownership and, if necessary, keep them in a suitable place; 13. Lands and properties (real estate) with or without an official document: Prohibition of any transaction or registration operation such as transfer of ownership, separation, separation, consolidation, mortgage, lease or any financial exploitation 14. Precious goods such as precious stones and metals, precious objects, antiques and coins: to be kept in the safe deposit box of the bank designated by the center after the announcement of the judiciary; 15- Other commercial goods: prevention of customs clearance, issuance of bill of lading, exit from warehouse or sale in cases where persons in good faith are harmed from confiscation of property, they can send their objection to the center according to Article 129 of the executive regulation and the center In coordination with the judicial authority and after receiving the court order, inform the person of the result. But if it is the property of the unknown owner, the rulings of the unknown owner will be applied to it, not that the property will be confiscated. Those who agree with this view have also stated that Note 6 of Article 9 eliminates these problems (Guardian Council Jurisprudential Consultative Assembly, Report of Sessions 1083 and 1084, 7/3/1397).

3-2. Legitimacy of personal property

The jurists of the Guardian Council have expressed opposing views on Note 2 to Article 2, stating that in accordance with Note 2, possession of the property subject to this law, which in accordance with paragraph (b) of Article 1 includes any property or interest in full (Legal Advisory Assembly) Guardian Council, Report 9703028, 7/3/1397). Of course, property can be considered as both positive and negative assets. Paragraph 32 of Article 1 of the Executive Regulations defines money laundering as follows: property; Any kind of assets, funds or economic resources, whether tangible or intangible, tangible or intangible, movable or immovable, cash or non-cash, legitimate or illegitimate, and any financial gain or privilege or cash or non-cash, as well as all legal documents that indicate the right. Whether paper or electronic, such as business documents, stocks, or securities. In this regard, the legislator has made the possession of property conditional on the submission of positive documents. The note of Article 23 of the executive regulation states: All owners of real estate with unofficial documents are obliged to upload positive documents proving their transactions in this system within six months after the implementation of the system. In this regard, it should be said that the application of this sentence is due to the fact that on the one hand it is difficult for individuals to submit documents in many cases and on the other hand according to Note 2 of Article 2 of money laundering only failure to submit positive documents that can be verified without illegitimacy If it is proven, it will

lead to punishment, and even if it is proven to be legitimate in court, only the confiscation of the property will be lifted, which is contrary to principles such as the Constitution on the legitimacy of personal property and Article 49 of the Constitution on the need for investigation and proof. Sharia is the illegitimacy of property (Legal Advisory Assembly of the Guardian Council, Report 9703028, 7/3/1397). Note 1 Article 132 of the Executive Regulations regarding the lifting of the seizure of foreign property stipulates: The involved persons are not allowed to apply or lift the seizure of property at the request of foreign institutions or to apply to foreign institutions to apply or lift the seizure of foreign property without coordination with the center. Therefore, it can be said that Note 2 of Article 2 of money laundering is contrary to the principle of innocence. The principle states that if there is no evidence against the accused or the evidence of the crime is insufficient, so much so that the accused cannot be convicted, he must be acquitted (Ardabili, 1397, p. 221) In this note, the principle is presumed to be the guilt of the accused and stated that the possession of this property is presumed to have been obtained illegally and in order to be able to get rid of this suspicion, positive evidence or documents are required. Positively present the right to get rid of this charge. Article 78 of the Executive Regulations stipulates that the persons involved are obliged to apply double identification procedures in cases where they suspect that they have the information or evidence and evidence that the identity of a person or institution is consistent with the detention list. If the compliance of the identity with the seizure list is confirmed by the Anti-Money Laundering Unit or the highest official of the person involved, the criteria for seizing the person's property must be implemented in accordance with these regulations. Therefore, in Article 78 of the Executive Regulations, in accordance with Note 2 of Article 2, it acted exactly like the investigative system, which based its principle on the guilt of the accused and provided for double identification. The dominance of this double identification is not clear to what extent the freedoms and privacy of individuals and to what extent it is exposed to them. Note 2 Article 2 Money laundering provides more community-oriented and social defense. Another objection to the above-mentioned note is the phrase (meaning of relevant systems). This note does not specify whether it refers to the systems used for this purpose, or banking systems and financial institutions, or any system with which money laundering can be monitored. . The executive by-law supplementing Article 14 of the Money Laundering Law specifies the task to some extent in Articles 36 and 39 and mostly refers to the systems that are designed in this regard.

4. Trans-axial Note 2

The constitution of a country is the identity of that country and all laws and regulations that are drafted and approved must be in line with the constitution in some way and be in line with it in some way. Note 2 Article 2 has somehow exposed several principles of the Constitution and violated them, principles that respect both the property of the people (Article 24) and the principle of innocence (Article 37) and respect for the property of individuals. And has considered it legitimate (Article 47) and has also stated that even wealth acquired through illegitimate means, which Note 2

of Article 2 is an example of wealth that may have been acquired illegally, must first be tried in a court of law and proven guilty afterwards. Property should be confiscated, not imposed before any trial and before any crime is proven. Note 2: Article 2, in contradiction with Article 47 of the Constitution, considers the non-use of positive documents as a statistic of committing a crime, and ignoring Article 37 and Article 47 of the Constitution, gives the judge the power to impose a fine of up to one-fourth Give. In this note, the legislator does not specify what will happen if the property obtained is found to be legitimate and lawful after the judicial review, and a quarter of the fine imposed by the court will be imposed. Note 2 has somehow violated the respect for the property of persons mentioned in Article 47 of the Constitution and has somehow been subject to the private property of persons. Therefore, in legislating this note and in discussing the fine, the legislator was more appropriate to consider the court before seizing the property and before paying the fine, and in case of strong suspicion of committing a crime, required the accused to provide positive documents. Failure to do so would result in a fine. Not to order a fine before any trial or investigation and for failing to provide positive evidence, which is contrary to the principles of the Constitution and subject to citizenship rights and respect for the private property of individuals.

5. Iran's criminal policy towards Note 2

Creating a risk-based approach will allow a country's competent authorities to make the most of their resources. Successful implementation of a risk-based approach to combating money laundering depends on a proper understanding of the threats and vulnerabilities. When a country is trying to implement a risk-based approach at the national level, it will be very useful to know the risks facing that country. Legal and regulatory frameworks are effective and important in applying the risk-based approach. Money laundering risk categorization helps a strategy to manage potential risks; the most common risk classifications are: country or geographical area risk, customer risk and product and service risk. The criminal policy of Note 2 to Article 2 is more about customer risk. Customer identification enables a financial institution to know the true identity of each customer and to a degree of certainty the type of customer activity and potential transactions. What is required in Note 2 of Article 2 of money laundering in the part of its history in the relevant system in accordance with the laws and regulations, indicates this method of risk. The degree of customer identification increases with risk. The client's business activity determines the ownership structure, actual or expected volume, or type of transactions, the level of risk. Reporting suspicious transactions or operations is critical to a country's ability to use financial information to combat money laundering and other financial irregularities. Countries' reporting systems are enshrined in national law to require institutions to send reports when suspicion reaches its threshold. Risk-driven processes must be equipped with internal controls to be effective (FATF, 2007).

Differential criminal policy in substantive law refers to the legislator's deviation from the known principles and rules that apply to all crimes (Karami, 1397, p. 347). Reactions to criminal law in traditional criminal law generally follow common principles. In determining these

reactions, the definition of the crime of its constituent elements, the criteria of criminal responsibility and the rules governing the application of punishments are applied in such a way that they generally have more or less the same application for different types of crimes and punishments. Criminal policymakers strive to achieve fair justice and protect individual rights and freedoms by applying relatively uniform rules to deal with all instances of crime and delinquency, but sometimes the emergence of new values and values, specific delinquent characteristics and scope of victims, or broad effects such as The specific nature of the "money laundering offense" in society causes the legislature, in exceptional cases, to set standards, rules and regulations that are different from the standard rules, rules and regulations governing the offense, or therefore to define and compile different procedures from common court procedures (ibid. , 336). Iran's criminal policy towards Note 2 of Article 2 Money laundering is somehow inspired by the differential criminal policy, ie the legislator, by including this note, deviates from the known principles and rules of the Iranian judicial system and the judge can ignore these rules and apply the provisions of Note 2. The well-known principles and rules that according to Articles 36 and 37 of the Constitution must prove the guilt of individuals, then sentenced them to punishment, while the note can be applied with prejudice. The reason for this note is due to the history of money laundering in the country's economy and also, the consequences of this crime, as well as those who commit the crime of money laundering, are mainly those who have a high level of intelligence. Therefore, in enforcing this note, the legislator prevented the accused from escaping from the clutches of justice and caused the threshold of crime to be reduced in some way. The legislature's discriminatory policy in applying Note 2 to Article 2 is reminiscent of the theories of zero tolerance criminology and the theory of broken windows. Since the 1970s, the punitive approach has re-emerged in North America and some European countries. The spirit of absolute intolerance provided the ground for becoming more and more strict about crime, albeit with some modification and softening compared to the distant past (Davoodi Garmaroodi, 2007, p. 49) and the period of domination of the movement to return to punishment or revive the penal system Emphasis was placed on repressive and strict criminal policy and maximum criminal law intervention in the category of crime. In this regard, the policy of tolerance or zero tolerance, as a manifestation of this idea, emerged from the heart of broken theories (Shamloo, Mohtashami, 2012, p. 131). The term zero tolerance entered the political literature in the 1980s to describe determined and inflexible politics, and in the 1990s, it shifted from criminal rhetoric and the mass media to criminal policy. Following the initial actions on the New York subway, this policy became a strategy of police control and was widely implemented. Thus, the theory of broken windows, manifested in the form of the policy of zero tolerance, a dramatic change in the performance of the American police and following it. , Created some European countries and then, many countries of the world, which is interpreted as the Blue Revolution, ie the severe actions of the police against petty crimes (Nowruz, 2005, p. 266). The main argument of the policy of zero tolerance in the etiology of crime is that tolerance for primary minor crimes provides the ground for committing larger and more serious

crimes. Instead, increasing arrests for misdemeanors and misdemeanors will reduce crime (Hoover & Lawton, Op. Cit, p. 531). The policy pursued by the broken window theory is milder than the policy of zero tolerance. Therefore, if this policy is implemented in a more moderate way and with the help of the neighborhood police as a national and social force, in fact, it will be closer to the principles and goals of broken window theory and may be able to achieve more desirable results in crime management. However, the implementation of this policy, in a violent and coercive manner, with the intervention and maximum advancement of criminal justice, violates the inalienable rights of citizens, which we also see in the discussion of Note 2 of Article 2 of money laundering, and has led to the formation and hostility of police and citizens. Its negative consequences provoke various theoretical and practical criticisms from the perspective of human rights, criminology and criminal policy (Sherman, 2000, p. 75), (Rasan, 2005, p. 173). According to the leaders of this theory, in order to prevent bigger crimes, the orderly chapter should be removed, even if it is very small and rudimentary, and it should not be allowed to become a serious and real crime situation. Some minor irregularities are not necessarily in the law of crime, but tolerance towards them leads to disorder and provides the ground for committing a crime (Shamloo, Mohtashami, ex., P. 132). What is noted in Note 2 for the absence of positive documents is that there is no room for money laundering. Including in this note a fine is some kind of prevention and early intervention with irregularities and disruption of the economic system that the legislature has foreseen. The emphasis of this policy is on the detection of all crimes through the inspection of as many citizens as possible (Ibid, 133). What Note 2 sets out is the inspection of accounts and the seizure of property before trial. The theory states that the police conduct a physical search of suspects and seek their identities, even in non-obvious crimes, and that specific principles have been defined and approved for the sentencing process Is that makes the judge a mere law enforcement agent, regardless of the individual characteristics of the offender (Javanmard, 2007, p. 5), (Najafi Aberandabadi, 2005, p. 59). Note 2: Due to the effects of money laundering on the country's economy in recent years and has affected the economy, it follows the technique of imposing as much punishment or maximum punishment as possible, as well as pre-crime inspections, violation of civil rights and violation of private property.

6. A transnational approach to criminalizing unfair possession

The word corruption in Latin comes from the root Rumpere meaning to break and violate. BLACK) Law Dictionary, p. 345) these violations can occur in norms, ethics, rules and regulations. So far, there have been several definitions of corruption, but no consensus has been reached. All of these definitions in some way emphasize the misuse of resources and powers for the benefit of one or the other, which includes a wide range of administrative, financial, and economic corruptions. This definition will also include the public and private sectors. For example, according to Transparency International, corruption is the abuse of power delegated for personal gain, whether in the public or private sector. The United Nations General Assembly adopted Resolution 4/55 of 2000 An internationally binding document under the auspices of the Anti-Corruption

Convention was welcomed, and called on the International Crime Prevention Center in Vienna to make the necessary arrangements for the drafting of the document: Bribes to public officials; bribes to foreign government officials And officials of international public organizations; embezzlement, embezzlement and other financial crimes by government officials; acts of influence and collusion in transactions; abuse of office; acquisition of illicit wealth; The nature and source of criminal proceeds, the impediment to the administration of justice, and the Convention on the Punishment of Perpetrators have been placed on governments and within the national sovereignty of states. In particular, Article 20 of the UN Convention against Corruption in connection with illicit Enrichment provides that: Each State Party shall, in accordance with the Constitution and the fundamental principles of its legal system, consider the adoption of laws and other necessary measures. Allows unjustified possession, which means a significant increase in the assets of a government official who cannot reasonably explain his or her legal income, to be considered a criminal offense when committed intentionally. Some articles of the Convention contain a guarantee condition that acts as a filter for the obligations of member states in cases of conflict with their constitutional or fundamental legal rules. Article 20 is one of these articles in which the Convention adopts this interpretation by mentioning the phrase "taking into account the Constitution and fundamental legal principles" (Bahremand, 2008, p. 13). Therefore, as noted, the possession of an unlawful property as referred to in Article 20 of the Convention oversees the acquisition of illicit wealth by government officials. In this regard, in Iran, according to Article 142 of the Constitution, the law related to the management of the property of ministers and government employees, including state and military, and municipalities and their affiliated institutions, approved on 12/19/1337 and the regulations on the management of officials and Government managers and their spouses and children can be referred to the date of 1389 of the Cabinet. Regarding the top officials of the country, Article 142 of the Constitution states that the assets of the Supreme Leader, the President, the Ministers and their spouses and children shall be taken care of by the Chief of the Judiciary before and after their service. Be. Therefore, there is coordination between the Convention and Iranian law in this regard. (Jalali, Ghasemi, 1394, p. 402).

CONCLUSION

The Iranian legislature follows different approaches in dealing with the criminal phenomenon in formulating laws according to the needs of society and its effects and consequences. Due to their high criminal tendencies, delinquents with high IQs perform differently than ordinary criminals in committing crimes, and in the face of legal gaps, they use it as a pretext for their misbehavior and try to cover it up. In the face of the phenomenon of money laundering and inspired by the well-known theories of criminology, Iran's criminal policy has targeted the dignity, freedom and privacy of individuals and, in justifying its actions, puts maximum pressure on the accused of this crime. Therefore, not only has it not adhered to the constraints of certain and known principles to which the legislature must be faithful, but it has also violated it. The consequences of this action also

cause people to distrust the government and the judiciary. It should be noted that if strict monitoring measures are formed by launching special systems in the financial and economic spheres of the country and the government somehow strengthens its maximum control instead of exerting maximum pressure on the defendants, we will see less privacy and freedoms of individuals. Maybe in some way they are the only ones to be charged.

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