

## Nature of the crime Adulteration in rights of the Islamic Republic of Iran

Ali badri(M.A)<sup>1</sup>, Amir Ahmadi<sup>2</sup> Amin Pahkideh (M.A)<sup>3</sup>

<sup>1</sup>Department of law, Payame noor University, Iran Email: [Alibadri1022@gmail.com](mailto:Alibadri1022@gmail.com)

<sup>2</sup>Department of law, Payame noor University, Iran Email: [Amir.ahmadiy91@gmail.com](mailto:Amir.ahmadiy91@gmail.com) Tel: +989372980096

<sup>3</sup>Department of law, Payame noor University, Iran Email: [Pahkideha1364@yahoo.com](mailto:Pahkideha1364@yahoo.com)

**Abstract:** Falsifying the word means to transform, reshape them, wield, insert, create, lay out, construct and create the Is used depends on the strength of economic relations and so that individuals can and authenticity Posts Documents are available for different purposes or exchanged between them and are used to ensure The more people in a society are undoubtedly enjoy a good security and public peace, they should be provided the best rate Public confidence in the high society and the government will have a stable Sources Would be the imaginary clear relationship As a result of his suggestion that it could actually forge an introduction for subsequent use of false documents Or to commit fraud and so on and so should not be considered a separate offense, except in exceptional circumstances such as counterfeiting currency notes and coins of the heart, the person should be committed only in the form of 'used to "perpetration of fraud or false document As far as possible, tried to scam the world is not accepted in most legal systems Conversely, this system is always important to this offense as a separate charge to strengthen healthy social relationships Although the offense has been emphasized in many cases the cause is raising money among the crimes against the public welfare Rather than crimes against property, which represents classified according to the non-financial aspects, namely public trust and losses other nonfinancial entities that may be entered into the commission of counterfeiting. Therefore, this mass The problem is that almost every country has gripped countries have imposed heavy penalties for the crime But there lies close to guile, deception and guile have known that it seems to be synonymous with forgery; Regulatory In order to further emphasize the importance of both together, as is using. "Legislator of the subject matter No difference sometimes as a forgery, deception and sometimes the time just as well as counterfeiting as both machines use And the difference between the two is not defined; Then seems to Probability as adulteration with both literary and legal requirements not enough to show a forgery for purpose. "Motive and purpose of my subject to adulteration was convicted of the crime problem is very serious and important fact that gripped most Countries and in severe injuries to the body of the crime, causing disruption in the economy and general welfare of the country.

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### 1. Introduction

#### General crime adulteration

In this section the definition of the offense and the characteristics of adulteration and for the fulfillment of the conditions and circumstances of the offense will be examined.

#### Chapter I: Definitions

Iran has not provided a definition of the crime of forgery in the law, but its provisions on a variety of materials ranging from 523 to 524 in Is the "adulteration include: the written or stamped or signed document or make a formal or informal parties, scratching or Shaving or removing items or accession or blur or proof, or delays, or black or submit a written document to the true history of or accession. Employing other written or stamped without the permission of its owner, and the like intent to cheat As you can see this article does not provide a definition of counterfeiting, but the document has only mentioned examples.

- To build or modify consciously written in the

law of other things to harm others as they attempt to foist the,

- Heart fraudulent adulteration is the fact that the loss of another one of the ways the law in a written document or other thing or 2.

- Create or distortion or manipulation, or making fraudulent document written it in a way that causes harm to another.

- Synonymous forging machines and cigarette machines were counterfeit law 4.

- Counterfeiting Jim meaning and status of machines and canter means the forger., All they mean is something to build on going despite the fact such false document and heart, and how these coins.

- Counterfeiting is to make something against the truth in order to deceive and defraud another

As you can see, all definitions emanating from the legislative definition of the crime of adulteration in Article 523 of the Islamic Penal Code has. It stated that refusing "machines" after the hoax does not mean that these two words together are two separate and

distinct offenses, but these two words are not crimes and deception Synonymous and also means adornment lies, deception and guile is. Iranian lawmakers without judgment, sometimes just a hoax, the only as machines, occasionally, as well as forgery and the use of machines simultaneously and the difference between the two is not allowed. So it seems to use the two together as adulteration legal necessity and not as a literary hoax is enough to show intent.

**First topic: mass properties adulteration.**

**First speech: the type of offense:**

To be convicted of crimes typically deliberate hoax. That document forger deliberately or fraudulently makes written or written documents existing unauthorized appropriation is such that it changes the meaning. After the mass, the will of the previous If you are committed, and no one can claim that the state of unconsciousness or sleep lines or forged signature or document Said. Assuming, of course, would be to commit forgery in the case of intolerable coercion is acceptable in this case said. Assuming, of course, would be to commit forgery in the case of intolerable coercion is acceptable in this case when the researcher is not enough to transform reality forged writing or document is capable of inflicting harm to one another. Guilty of the crime of forgery fraud is very close, it's both a distortion of truth and resort to deceit and fraud charges seen two Moreover, in many cases, but not always, the crime of forgery in order to commit fraud, and improving the financial preparations Another is committed. Since adulteration and has written more than a tool for success in fraud, forgery and fraud offenses, they should be written with the use of other distinguished:

**Chapter Two: the issue of crime:**

Subject adulteration consisted of written documents is basically defending and vindicating the authority, are of value, such as exaggerated a normal documents or official documents.

Some things and other things in addition to these legislative measures have recognized that they are the subject of the crime of forgery.

**Second topic: Terms and conditions necessary for the realization of the crime of forgery**

The most specific conditions necessary for the realization of the offense of forgery is as follows:

The first condition is that the document is forged or written matter, or other things specified in the Act, such as stamp duty, stamp, and mark, is signed and sealed. Thus, the opportunity for fraud or something like sculptures and video cassette tapes and the like do not exist.

The second condition is that counterfeiting is conceivable that the thing itself is not fake and fraud. So who can change some of the contents of a document forger is not distorted.

The third requirement is that ordinary people could throw Homologous and wrong exist, i.e., the probability that they are going to be wrong with the principle of synthetic and fake. It should be noted; finally, the most important condition for about counterfeiting, whether material or content, this is subject to counterfeiting (document, text,) to be false and fraudulent in nature and contains false information is just not enough. In other words, the origin and nature of fraud in the written document and the document shall lie or tell about themselves.

**Chapter II: Specific elements of the crime of adulteration**

The offense has three elements of the offense as well as any legal, moral and material, which we describe below them:

**First topic: the legal element of the crime of forgery**

In the fifth chapter of the Penal Code in 1375 entitled "adulteration" to describe the substance of the main provisions of 523 to 524 mass prediction is therefore currently legal element of the crime of adulteration is the fifth season of 19.

Should be noted that the legal basis for each offense recognizes the psychological and physical elements of the offense, in addition to the criminal law legal principle of our age offense and is of extreme importance penalties, to any adulteration an offense should is a statutory element of the law, crime, adulteration read. Actually committed the act in accordance with one of the Islamic Penal Code 523 and 543 refer to the knowledge and judgment.

**Second element of the crime of forgery financial**

Not a material element of the crime can be established. Material element of the crime of forgery or counterfeiting intellectual material is achieved. It would be an omission committed forgery provision also seems to realize this, explaining that if the producer or written documents during the regulation of omissions in this document to not to write part person dictates remarks or pleadings virtue another disadvantage is His omission could be considered counterfeiting provisions in the event of deliberate omissions committed to change the fact that His omission could be considered counterfeiting provisions in the event of deliberate omissions committed to change the fact that... Counterfeiting disagree, some of whom believe that the provision of forging material with positive action takes place, but if omissions, forgery provision represents a distortion of the truth there's no reason not to be one. Head office for the name of a person named Testamentary legatee or rather dictated by the testator adds such "price paid", as it is by the parties, including "The price has not been paid," says the document forger as much as the head office name Knowingly omitted and the

testament of the testator or basically does not enter the "price paid" shall be deleted. Investigating judge that the sentence "I do not accept the charge," which is expressed by the accused, in the form "I do not accept the charges" reflect the forger is as much as to lose the investigating judge that the defendant knowingly omitted Track, the most common and the most common type of forgery, counterfeiting, or in a written document. Written document is general and specific means any written document but not in any written document. Document is written so that as a claim or defense to prove or be used to deny the right to confirm or deny the affair, in other words, to be considered (article 1284 Civil law for example, the forger Action to correct a birth certificate, passport, diploma, leases, wills, contracts will and so on. Written or signed document is not necessary to make this type of person is a hoax. However, this should no longer be considered a Prerequisite this is a written document should be made of the potential harm to be injection molded. According to a Volume ID or offensive material posted to the line against a government Officials ability to be a hoax. Because of the loss, respectively brought Systems to the public or to the person who posted offensive material on his line it is, the other type of written material that tops 523 Islamic Penal Code is referred to the post, that it is not customary to refer to that document does not imply any commitment, but the ability has to be a hoax. Such as advertisements, announcements, lottery tickets, travel and entrance gallery. It should be noted that written in forging a document forgery is the fact that the heart of the ruling or related document or the document or writing to prove it is set up. So, change the words that part of the document that the document does not Disturbs sentence and its negation is set in the Document to Vote proof or not change is not a hoax; Counterfeiting element will form the heart of the truth However, the fact that heart disease is not a hoax. Offense of forgery is necessary first to realize the truth of the heart or in a written document Secondly, this would be another thing to be done is one of the ways foreseen in the law, and finally written a document or other object attributes Be clear. Issue a written fraudulent manipulation of counterfeiting crime or document. So Adulteration like oral Heart Truth testifies and that the book Counterfeiting Fraud is not known. In addition to the written or printed line is visible, tangible and symptoms indicative of the disease is thought to existing, such as: A testament transcribed, or a bank document and the like which are generally legal effects; However, any text in a document, but not in any written document. But the document is written in a position to confirm or deny the claim or defense may be invoked right.

### **The third topic: the mental element of the crime of forgery**

In addition to distorting the truth in order to fulfill the charge of forgery of a document written or otherwise foreseen in the Law There is also the potential harms of fraudulent intent is required and the intent to commit fraud or ill is based on the knowledge of the truth, and the breath of the heart, resulting in heart of the truth may harm material or spiritual social or aware of someone else's Counterfeiting is a crime of the most serious crimes not only physical but mental element is required, without which it is possible to follow the manufacturer's specification, or change the document, or by some other as the crime of falsification of by does not have. The law "suspended" at the end of Article 523, which deals with words forging evidence indicated a "fraudulent intent" is added. To realize the mental element of the crime of forgery, on the one hand, we intend to build or modify authentication, so who are dreaming of a natural or synthetic, insanity, drunkenness, or incontinence, these actions do not in general be ill. On the other hand, the specific intent of deceiving others from committing the false document or writing or something else must accept as fact and this has to act to have own detriment 1. Thus, when Intentionally or by written document is forged, but he was simply trying to make people laugh or pyrotechnics and others like them, will forger charge of his difficulty. Obviously, given the particular ill as a result of the return is the result of the crime of forgery, whether material or spiritual losses, the intention of imposing any kind of damage, whether material or spiritual, as certain ill Counterfeiting crime is enough. It is not necessary that the perpetrator is not really going to harm the former is not necessary or that he is going to take of a criminal act of his 2. Makes no difference who committed the crime of forgery, an official or an ordinary person, but it should be an employee of the State or any other public official in the performance of the Responsibilities and duties of administrative and committed career has been forged cannot claim that these may have been falsified statement bring the community was not aware and thus to know innocent.

### **The fourth topic: Types of forging**

This section presents the types of counterfeiting the weight of each is expressed Article 523 Islamic Penal Code Counterfeiting is mentioned in the writings of two general types: Forgery and counterfeiting of intellectual material. Though these two types of counterfeiting legislation explicitly mentioned but it did not warrant judicial procedures in Iran and other countries to forge these two types are emphasized.

### **Section Five: forging material and content differences**

#### **First speech: the issue of crime**

For the forging material that does not need to be the subject content or denied the right to prove that it is to the detriment of another is against the truth. Equally commit, has made fraudulently or written document that there is the possibility of harm to others is achieved by forging material. But the forgery provision or spiritual subject, which must necessarily false documents to confirm or deny if it is made contrary to fact and reality distortion takes place in the context and content of document falsification provision might be realized.

**Chapter Two: The true heart of the writing or document:**

At the heart of forging material fact in physical form on document writings and research is done so that the effects on post-operative tangible remains can be recognized by experts, it usually depends on the discovery of the theory of them. But counterfeiting provisions in the distortion of truth on the subject and content of the document is done by external signs indicative of Forger remains tangible actions. Address of the slave pen in the forging material, accession, abrasion, erasure, fading and other areas where there is not seen in the forging material, forging, but by the content and the content and meaning of the document or writing is done. This discovery is not done by technical experts but this kind of a way of identifying and collecting the reasons discussed about the authenticity papers can be realized.

**Third speech: the type of document or written:**

Committing forgery provision or spiritual can be realized in official documents and rarely occurs in ordinary documents; while forging any written material that by law, a person can harm proven ability makes it right there is no right or is achieved.

**Part Four: The perpetrator of the crime:**

Staff and officials usually either spiritual hoax provision or operation of law, judicial authorities or officials of public services in the securities written about their duties when they commit these crimes While forging material without interference from anyone who also happen to be officials. The incidence of counterfeiting provision or spiritual writings from individuals and non-formal May occur. As an accountant, a fraudulent company in charge of keeping records of the newspapers distorts the truth and external regulation is to commit the act behind, did not 1.

**Part II**

Adulteration provisions of the criminal investigation, and the use of false documents:

According to the principle of legality of offenses and punishments for the crime attempted or actual crime, the law stipulates that we must be Therefore, in this section we begin to examine whether the adulteration is a crime and the punishment of crime,

and also investigates what the vice and crime have studied Excuses exempt from this charge.

**Chapter One: The Beginning of adulteration**

According to Dr Mir Mohammad Sadeghi, a natural place to begin the discussion of crime in the discussion of the material, because the material element of the crime of starting material occurs in the form of 1.

Despite being in Islamic Penal Code Adopted in 1370, the Islamic penal law concerning the year 1361 (which had the lyrics, "Starting the crime is punishable if it is stipulated in the Act") has been removed, but According to the principle of legality of crime and punishment, there is no doubt which began to commit any offense would be punishable if Criminal penalties for certain substances to be announced. In the case of adulteration, article 542 of law "suspended", adopted in 1375, the minimum penalty to its limit in each case is considered. Due to the openness of punishment for adulteration specific measures identified in Chapter V is concerned. Therefore, to determine the start Spurious penalties foreseen in other laws, such as the "Real Estate Registration Law" or "cybercrimes armed forces" must refer to the same rules and laws if the special verdict in this case if there is no start committing crimes cannot be punished; counterfeiting is a crime in many of the actions taken Introduction crime. Therefore, it should be noted that preceded the start not to be confused with the crime, Began a series of mass actions that are directly related to the crime. The wind began to realize that it seems hardly conceivable in principle not to commit forgery;

"The realization began to commit forgery hypothesis is exceptional and rare because of acts performed or obtained such devices work In this case, the introduction of the mass start is not Hardly anyone I know or somehow led to the realization that it is a hoax total offense Therefore not assume that the basic assumption of normal Hardly anyone I know Tom is not a crime problem "is one of the best examples of two lawyers to start adulteration knows when to commit, acts of fraud on the document is or anything else written all is still not done, but cites the example of the species. " Ten Thousand fake currency notes provide individual still pictures that can be drawn on the plot is not. "In this case, the actual banknotes are banknotes made yet act like a person, are not a hoax, according to his executive functions as the start of counterfeiting can be prosecuted.

According to the hierarchical mentioned would be a series of preliminary operations such as primary raw materials and instructions for making false documents or anything else before the end result is the realization began to mass counterfeiting.

**First topic: Department of adulteration**

As stated in the general criminal law deputy that someone without a material element of the offense committed by the person involved in committing a criminal act by stimulating the encourage encouragement, intimidation Conspiracy deception scheming facilitating crime, preparation and presentation tools and can help through donations.

Article 726 of the Islamic Penal Code in respect of offenses punishable by imprisonment in the Department provides: "Everyone on the offense punished by a minimum penalty prescribed in the Law Department not you case to be sentenced for the same mass."

Due to adulteration such crimes are punished by sentence to the crime covered by this Article shall be the Vice President. Now, according to the Department in achieving the levels of adulteration conditions must exist including the deputy steward falsified criminal intent must be informed of the cooperation and consultation they provide Voluntary agreement between the executive and operational stage mass adulteration continues. In addition to the deputy criminal operations in the topics listed in paragraph three of Article 43 of the Islamic Penal Code should be replaced. Furthermore, the realization of abetting adulteration of the primacy of the coupling between the action and the perpetrator of the vice is required. This means that the action may precede or coincide with the vice-counterfeiting crime perpetrator is a criminal act and a deputy to assist the steward of crime may be cannot be implemented assists in a crime of counterfeiting.

On the mental element of adulteration would be attained knowledge assistant deputy superintendent of the criminal intent of counterfeiting and also obtaining the unity of intent between vice and criminality requirement deputy steward counterfeiting is a crime. In fact, the first deputy shall knowingly and intentionally falsified realize abetting the actions foreseen in paragraph three of Article 43 Islamic Penal Code They do that is caused forging, followed by the steward of forgery consultation seeking to achieve the desired result is criminal.

### **Second topic: Excuses exempt from charges of adulteration**

Forgery crimes and crimes against writing and general well-being are among the central coin which can have negative effects on well-being and spiritual identification as well as administrative and economic institutions and other community organizations to put in place. On the other hand, these crimes are usually in groups and transnational criminal gangs and sometimes find that it will not prosecute these criminals will face a serious problem. The best way to combat these criminal gangs is that individuals within them are encouraged to cooperate with law

enforcement agencies and the judiciary. Iranian legislator has tried to do this in conjunction with Crime heart coin and adulteration, the material conditions of 521 and 523 Islamic Penal Code respectively they can do. We only Article 531 Islamic Penal Code adulteration is a crime related deals:

Article 531 of the Islamic Penal Code concerning the granting of discounts and exemptions to Punishes forgers lyrics are: "those who commit crimes are mentioned in the material before any before the government, and the other by operation of law prosecution, in the case, and the their introduction they provide the means to pursue the case in the arrest of their punishment will be discounted or be exempted from punishment."

Use discount or deputy prosecuting the perpetrators of the crime than the government and their accomplices, if any, will be introduced. If the prosecution is started by providing the means he could be arrested, they have a discount or exemption. In order to provide a means of capturing the material referred to is not known. It is unclear whether the purpose of "providing the means to capture" the fact is that his work and his accomplices were arrested and turned over to authorities, or the mere provision of adequate information to the agents is One of the lawyers, one believes that, with respect to a matter that, to use a discount or exemption from prosecution, superintendence of criminal arrest his accomplices not necessary However, we must cooperate and provide information on the cause of his criminal accomplices actually be arrested and the preconditions of a discount or Impunity.

In my opinion the offender's cooperation with authorities arrest does not mean that the offender of his collaborators on repentance and faith officers to introduce the even if the reasons for such allies abroad, and the difficulty of access to them, is actually difficult to capture. Again, discount or exemption should be punished or at least commute his sentence to impose.

It is notable that we discussed legal Excuses no legal nature of the criminal offense of adulteration wills not this means that the act is committed as a crime and crimes are prosecuted like any other criminal. However, due to the cooperation of the accused in the detection and prosecution of crime and preventing further damage to persons, the Chief Justice shall request an exemption or commutation of the field trial him onslaught. Discount factor or the collapse of the penalties mentioned in this article, just over 531 current and significant material before the provisions of this Article shall be prosecution immunizing cause discount or fall causes a penalty is just the rather 1.

**First topic: the infliction except in forging**

To realize the true heart of the crime of forgery of a writing or document provided for in the Act, it must be written or document functionality harm, except to have; Therefore forgery counterfeiting without signing it or informal office because the owner does not lose the ability to create mass appeal and not 2. Natural persons or legal entity crime may suffer as the government. This ordinance number 1305 - Second Division and in 1197 06.06.1318 - 30.05.1318 Fifth Branch confirmed that "It is not necessary that the mass of the people affected and may be affected by the government in the form of the crime of forgery honest it is ...).

The Heart Truth If adulteration is considered that the harm is not inflicted. Of course, counterfeiting is not a condition of immediate harm in the future, even if the hoax is potentially harm others again involve materials to fabricate matches. As a testament, the one line and another sign that he is still alive is a hoax And the third of his property to give it a moment to write a will that will not cause harm to the other, but after the death of the owner of the property, causing damage to the property of the heirs of. The realization of its potential harm or Condition is forged with the types:

**First words: financial losses**

Financial losses misdemeanor forgery often and often a loss of material, this means that a man will suffer at their property. For example, a false document, the person alleged to be justified in a major or minor commitment that, The fact that he did not consent, and creates the risk that it will have the commitment and payment of religion. For example, a creditor or the case, he finds himself in front of the document indicating payment of debt by the debtor, the debt will never be paid while not And in this case it does not matter who the person is entered against false document has been prepared against him or to any third party.

**Chapter Two: Loss of moral and ethical:**

Harm is included on the honor, dignity, reputation and credibility of the parties is, Such forged writing for hurting other popular social position Like making a false letter with a false signature to discredit the reputation of administrative, political, social or commercial party or the birth of an illegitimate child of a woman who called the child's mother not to hurt the reputation of building her.

**Three words: social disadvantage, public**

May falsify the private interests of an individual does not hurt but it will hurt the community and is punishable false.

In case of forgery of a financial benefit to the Government, There's no doubt that it does the culpable mental state but harm to the interests of the crime knows the practice of suffice. Thus forging a

document or personal property in an official document, even if the crime is not least because the financial losses such action in public trust towards government documents.

And endangers the official, Also writing in order to escape military service has Scarification fraud or falsification of academic fraud is a crime to commit one.

**Second topic: other instances of adulteration crimes in Islamic criminal law**

Legislator in Article 523 of the Islamic Penal Code, the crime of forgery to the general public and to determine the expression of various instances of counterfeiting of 524 to the Islamic Penal Code 541.

**Discussion**

Words adulteration has been used in a sense are not crimes Synonymous and the verb has to be plural, so it was better to replace the word "are" at the top of the word "is" was used because the uncertainty is caused by these two words are different, and each has a separate meaning, in this case - They do not, and both are used in a sense. Although the crime of adulteration as one of the topics of specific criminal law, "3" and has raised the importance of the subject, particularly the effects on the community believe there is a special place. Suffice it to say that the significance of the great masters of many things in the book is devoted to it. Due - Jhanyaz extensive relationships forge and change in a facility on the other side of misdemeanor forgery enjoy great extent that it affects the relationships people have confidence in people, especially.

- In discussing rebates and exemption from punishment, repentance was better legislator impunity in the cases of adulteration was convicted of a crime of the heart as a legislator in Article 521 Islamic Penal Codecoin. They repent before arresting offenders identified However, the exemption is known that these objects do not differ essentially counterfeiting the coin of the heart.

- By the forgery or counterfeiting should be noted that the heart is the fact that the ruling or related document or written document to confirm or deny that it is weaving. So changing the words in that part of the document that the document does not Disturbs judgment and the right to confirm or deny that the document does not change, it is set up is not a hoax. In an official document or immovable, like a normal transaction, or an academic or professional residence of the parties to insert false or fraudulently alter later.

- The possibility of harm to misdemeanor forgery exist, therefore the true heart of a document or other article or thing capable of bringing harm to others it is not considered a crime are not included. Posts unsigned will forge a personal example. Therefore, the

loss need not be actualized, in fact you need to realize the potential harm counterfeiting entry was knew this would never be a crime, because the crime of forgery does not harm anyone, but the subsequent use of false documents Login harm is caused. If the forgery is a crime and crime is the use of false documents The result is that someone who cannot shut in his home thousands of false notes and forging documents can be found in many manufacturing devices must be followed, since the currency notes, still has expends. While the general welfare requires that the person can deal with at this point.

- Mass adulteration of past crimes is unacceptable and indeed the general nature of the crimes and later complain or private claim can only be mitigating reasons.

- Heart of the crime of counterfeiting matters should be written documents and oral changing the subject is not a hoax. For example a person falsely testifies against others and against others on the loss actually believes something.

- Counterfeiting and fraud charges vary but can be a prelude to commit fraud, in which case the person can be punished as a crime of moral diversity. If you were to ask the community to enjoy the security and comfort them clearly need to revise the rules in the first place and later in all aspects of the rules and consider the integral and complete in front of the abuse legal and take flight. Healthier society, a society in which people social relations, economic and legal backing to the creek, was a self assured individuals escaping the law, they commit a crime, the law correctly, they there will be over.; So we said, no matter how the rules are comprehensive and consistent with community needs and extent of soil, the rate of crimes especially adulteration decreases and will provide better public safety and welfare of The successful experiences of countries seeking to benefit and profit from the comments of teachers and professionals, giving importance to the scientific research, implementation of existing laws with the laws of other countries, and eliminate their weaknesses and reinforce positive points, equipping libraries Student .... Appropriate strategies to reduce crime can be expressed. Hoping to safety and security as one of the great blessings of God, desirably located

in communities all.

#### Correspondence to:

Amir Ahmadi

Department of law, Payame noor University, Iran

Email: [Amir\\_ahmadiy91@gmail.com](mailto:Amir_ahmadiy91@gmail.com)

Tel: [+989372980096](tel:+989372980096)

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