



A Critique of Afghanistan's Preventive Legislative Policy on Criminal Influence

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Abstract

Criminal influence, also referred to in this paper as influence misuse, is one of the crimes that, in addition to affecting the healthy performance of the judiciary, the legislature, and the executive, violates the principle of rule of law and has seriously challenged the governance and administrative system of Afghanistan. From a critical perspective and with focus on the years of the last republic system, this paper aims to answer this question: What are/were some of the serious challenges of Afghanistan's preventive legislative policy on dealing with criminal influence? The research methodology of the paper is descriptive-analytical gathering the required data from library resources, laws and legal documents and instruments. The findings of the article indicate that despite establishing and deploying judicial, organizational, cultural, economic, research and partnership mechanisms by the Afghan lawmaker to combat the crime of influence misuse, there are still shortcomings and weaknesses: No needs assessment done for legislative purposes; non-existence of a “Crime Prevention Law” and “Counter Influence Misuse Law”; lack of definition for the term and scope of influence misuse as a crime in the Penal Code; lack of a criminological, sociological, and psychological approach by the legislator to influence misuse; non-existence of academic research organizations focused on crime prevention research; no monitoring and control mechanisms over government institutions; no legal provisions for a clear framework of coordination and cooperation among the relevant institutions tasked with addressing crimes; and lack of a system to ensure transparency and accountability in the government revenue sector. Accordingly, drafting and passing two special laws covering crime prevention and the fight against the crime of influence misuse based on well-designed detailed needs assessments from a criminological, sociological and psychological perspective for identifying the scope and forms of influence misuse; defining a mechanism for monitoring and control over government departments; and ensuring transparency and accountability while providing a framework for coordination and cooperation among legal and judicial institutions and other organizations concerned with addressing crimes are among the solutions recommended to overcome the identified challenges.

Keywords: *Legislative Criminal Policy; Criminal Influence; Influence Misuse; Corruption; Crime Prevention*

Introduction

What is referred to as criminal influence or influence misuse are the behaviors and actions carried out by persons, both natural and legal, internal and external, directly or indirectly by using their political, military, administrative, social, economic, cultural, religious and ethnic status and position to illegally benefit themselves or others financially and otherwise. Since there is almost zero prior research on this issue and because of its consequences, such as corruption, ignoring the principle of specialization, increasing and expanded law violations, breach of citizens' rights, and promotion of discrimination, this crime causes administrative, economic and cultural harms, and, consequently, poses a serious risk to the very existence of the political system. Therefore, it seems necessary to articulate the viewpoint dominating Afghan legal system in this regard. Afghanistan's criminal policy on individuals misusing their influence can be debated from legislative, executive and judicial perspectives. It can also be examined from criminal and preventive perspectives. To limit the scope of the paper and to maintain a problem-based approach, the current article intends to examine the preventive legislative policy part of the issue, and, within this part of the issue, the focus will be on looking at non-coercive mechanisms for crime prevention. The reason for this is legislation precedes execution and judiciary. Furthermore, crime prevention is of special interest and importance due to its focus on reasons and causes, and identification of environmental circumstances that induces or allows misuse of influence.

In other words, this paper is an attempt to assess and examine the Afghan lawmaker perspective on preventive legislative measures against the crime of influence misuse. Therefore, the principal question in this article is "What are the weaknesses and challenges of Afghanistan's preventive legislative policy against the crime of misuse of influence i.e., criminal influence?" to answer the question, the writers will review the existing measures designed in current laws of Afghanistan against the crime, identify the strengths and serious weaknesses/gaps of the legislative policy of the country on preventing the misuse of influence, and propose practical solutions to overcome these challenges by using the analytical-descriptive method and by gathering information from libraries and Afghan legal documents and instruments (enacted during the twenty years of the republic).

Misuse of Influence: Legislative Preventive Measures and Their Shortcomings

Today, the legal systems of developed countries recognize preventive measures as an optimal and effective approach in addressing crimes by undertaking various programs (Babaei and Najibian, 2011: p. 148). In terms of the quality of approach to tackle the causes of crimes, preventive measures are a set of non-violent/non-coercive measures to control and reduce the crime rate, and to prevent the crime trend from deteriorating, (Kosen, 2002: p. 28). In addition to enacting laws regarding the indicators of various preventive measures such as cultural, social, legal, judicial, security and state measures, the legislator can clearly determine the duties and tasks of the executive, judicial, cultural and public outreach bodies (Hosseini, 2006: p. 31). It is worth to state that the crime-combatting measures that originally focused on the post-occurrence stage and are reactive and judicial in nature, are not unrelated to preventive measures due to the fact that punishments causes private and public intimidation and deterrence and hence, having preventive effect. However, this article is focused on the preventive measures that the legislator can envision and include in the legal documents and laws to prevent the crime before it occurs. If there is a mention of criminal measures with regard to their preventive aspect, it is a rare thing and the prevailing approach is to identify and evaluate preventive measures. Reviewing the Afghan laws passed during the republic, one finds that the Afghan legislator has taken into account different measures such as legal, judicial, administrative and organizational, cultural and educational, academic and research, economic and financial, cooperative and protective mechanisms. Therefore, it is appropriate to look at each of them to identify their shortcomings and challenges.

1. Judicial-Legal Mechanism

Criminal law, as a branch of public law, is a symbol of the authority of a government and the enforcer of punishment. Punishment is society's reaction against crime, and the government pursues and punishes on behalf of society and in the name of society. Its purpose is to maintain social cohesion, which strengthens collective feelings, and its target audience is non-criminals members of the society to deter them from committing crimes by punishing the criminals. (Salimi, Shambiati and Naseri, 2021: p. 94). Therefore, the judicial reaction mechanism is one of the most important and the main ways to deal with crimes. This measure, despite the fact that it refers to post- occurrence of the crime and focuses only on the punishment of the criminal to prevent its re-occurrences, has preventive/detering effects as well. Therefore, the very criminalization of behaviors and the defining punishments for such behaviors deter many of those who have the temptation and motivation to commit those crimes.

In addition to the criminalization of "misuse of influence", the Afghan lawmaker has criminalized behaviors such as mis-use of duty or position by a public servant, middling of public servant before the judge, judge abstaining or delaying his/her verdict, disapproving or halting verdict issuance, a public servant disobeying or halting orders and decrees of the competent authorities, refusal or job-quitting by the public servant, and discrimination in the departments and agencies in various articles of the Penal Code. (Penal Code, 2017: Articles 403-409) The Anti-Corruption Law, has listed crimes listed in several chapters of the Penal Code as administrative corruption crimes, one of which is the crime of abuse of influence, position, and authority. (Anti- Corruption Law, Article 5: 2018).

Therefor there is no doubt that criminalizing the misuse of influence and other similar behaviors and defining punishment for anyone who commit it, has preventive and deterring effects on those who have the motivation and intention to commit, on top of its controlling and mitigating impact after crime commission. For this reason, one of the important goals of punishment is to deter and discourage individuals from committing the crime and exhibit a lesson-learned scenario for them.

In addition to criminal laws that focus on reactive measures, the "Case Management System Regulation" is one of the legal documents that have a relatively good preventive effect on the crime prevention phase. It is an electronic database in which the information on legal and criminal cases is recorded in each stage of the detection and judicial proceeding. This regulation includes provisions on electronic registration of cases; follow-up; effective, fast, and timely processing of legal and criminal cases; improving transparency and accountability; and ensuring case management security and safety.

This regulation is considered as a part of Afghanistan's criminal-judicial policy which was developed and approved by the government for legal and criminal cases. The provisions of legislative document are part of the judicial criminal policy which covers both penal and non-penal preventive measures. When legal and criminal cases are entered into the system in a precise and standardized manner and are managed in a systematic way during all legal and judicial stages, it is only natural that there won't be many opportunities for abuse and interference in criminal and legal affairs. Despite the efficiency and effectiveness that it has in its reactive nature in dealing with crimes after their commission and despite penal measures being considered as the main means to reduce and prevent re-occurrence of crime, the challenge of the judicial-legal mechanism is it lacks any proactive and preventive approach.

For this, the pre-criminal circumstances and the cultural, social, and educational factors contributing to commission of crimes have not been paid attention to in the criminal legal documents. Naturally, it is not possible to identify the causes and pre-occurrence factors of the crime of influence misuse with a purely criminal and judicial approach to crimes. Therefore, a revision of judicial-legal measures for combating crimes in general and the crime of influence misuse in criminal politics is a preventive necessity and a must-do of the penal system in Afghanistan.

2. Administrative and Organizational Mechanism

Crime prevention seems to be the common obligation of all government institutions and organizations as crime prevention is a continuous process, the goal of which cannot be achieved by one institution alone. By differentiating between proactive and reactive action towards a criminal phenomenon, some jurists, have tried to place the proactive prevention of crime among the duties of the executive branch institutions, and to make the task of the judiciary exclusive to reactive prevention of crime (Niyazpour, 2004: p. 191). But preventing crimes occurrence is a cross-institution task that requires the participation and logical cooperation of all relevant institutions. Therefore, the role of administrative institutions and government organizations in managing cultural, educational, economic and social programs and developing preventive strategies and mechanisms is extremely important and significant. This role and position are of those institutions and organizations that have been defined by the legislator to for the purpose of crime control and management in the pre-occurrence stage.

To counter corruption and to prevent the crime of influence misuse, in addition to the investigation, prosecution and judicial organizations whose very nature and existence is to combat crimes, the Afghan lawmaker, through various legal instruments from 2003 to 2018, has proposed other special organizations as well such as the Supreme Audit Office, the Internal Audit Department for all government institutions, the High Office for Overseeing and Combating Corruption, the High Council on the Rule of Law and Counter Corruption, the Commission for Combating Corruption, the Anti-Corruption Justice Centre, the Presidential High Audit Office, the Special Anti-Corruption Secretariat, etc. They have emphasized on cooperation among these institutions and demanded development and adoption of preventive measures by them.

Although proposing the very establishment of aforementioned institutions by the Afghan legislator to deal with crime seems to be a worthwhile measure, the creation of these institutions has paved the way and created even more opportunities for committing crime and has made corruption, especially the misuse of influence, more prevalent in the administrative and social system, let alone combatting corruption and influence misuse in the legal and political systems of the country thanks to creating these institutions solely on the basis of political interests rather the ground realities and necessity. Furthermore, the institution sprawls with overlapping duties and responsibilities paved the way for influence and interference by individuals of political, administrative, religious, and ethnic status, in addition to causing confusion among the leadership and staff of these institutions. The third challenge of administrative and organizational mechanism/approach to combating corruption and influence misuse is the lack of coordination among the investigative, legal, and judicial authorities and the lack of cooperation from other institutions and organizations with them which is an important issue by itself.

Therefore, in addition to structural inadequacies and managerial and organizational barriers such as parallel structures/organizations with overlapping functions, inadequate number of subject matter expert staff, this mechanism also suffers from the lack of system for monitoring and control, and transparency and accountability, which was neglected by the legislator while enacting legal instruments to combat the crime of influence misuse.

3. Cultural and Educational Mechanism

These mechanisms rely on factors such as religion, knowledge, art, law, ethics, and any abilities and habits that a person acquires as a member of society (Ashuri, 1978: p. 71), especially the abilities that people learn through family and especially educational institutions. (Hassanzadeh, 2003: p. 59). Therefore, these mechanisms are the result of the cultural and educational accumulations of individuals from public and private institutions and social unions, which take place over many years in a visible and invisible form (Conklini, 2000: p. 249). The relationship between cultural and educational measures and crime prevention is that the occurrence of a crime is usually based on three preconditions: "the desire and

motivation for committing a crime", "the skills and tools required to commit a crime" and "the existence of a suitable situation" (Amari, 2019, p.87). Had cultural and educational systems been successful in eliminating the desire to commit crimes and removed necessary tools for committing crimes and denied the person the opportunity to commit crimes, then these systems would have played a major role in crime prevention.

Considering the fundamental role of cultural programs on society and on the individuals behavior, and the actual impacts of education on social life, the Afghan lawmaker has set forth the very founding goals of the Anti-Corruption Commission: Developing strategies and policies; adopting preventive measures, cooperating with research institutions and civil society in implementing preventive programs, developing capacity building training programs for public service employees to fight corruption; devising public awareness programs on corruption and promote public cooperation; conducting academic survey/research to identify the causes of corruption, and finally, reducing and ending corruption. Thus, paying attention to the role of specialized and general educational programs can be increase the effectiveness of education and cultural activities in all walks of public life, including crime prevention. With targeted training and creating the needed culture in the society, it is possible to prevent the influence and interference of influential individuals in institutions and offices and to train officials and employees to be impervious to the external pressure and influence.

The challenge of this measure and mechanism is that existing condition and situation in the institutions and the ongoing practices among public service employees indicate the absolute helplessness and unpreparedness in these institutions and agencies who are in charge of educational and cultural affairs planning and adopting preventive educational and cultural measures. Furthermore, influencing and interfering with administrative proceedings and other functional areas of institutions has become an accepted culture and practice and is no longer looked at as an inappropriate behavior. Hence, the Afghan government performance in education and culture sector for creating a sound society and controlling crime including misuse of influence is not indefensible.

4. Academic and Research-Based Mechanism

The academic community agrees on the role of academic research in helping society's progress and organizing collective life as the most reliable and effective tool in dealing with societal problems. Crime prevention, as well, can be an academic subject observed and followed by experts and academic community. In an effort to have an academic approach in fighting corruption, the Afghan lawmaker has passed laws to create the Anti-corruption Commission. This commission develops preventive strategies and policies, cooperates with research institutions in identifying root causes of corruption crime and implementing preventive programs, devise training programs to build the capacity of public service employees to fight against corruption, and develop public awareness and outreach programs to encourage public participation. Therefore, in order to make crime prevention programs efficient, especially misuse of influence, the policy makers and the judicial institutions of Afghanistan should seek help from the experts and research institutions in their effort to improve the economic, promote the right culture, correction of social behaviors and promoting education.

Social mechanisms aimed at identifying the causes and factors of crime and measures focused on the environment and circumstances that lead to crime during the pre-occurrence stage of crime is only effective and useful when it is based on academic studies and criminology subject matter experts.

Although the lawmaker has made it clear and emphasized on the need for academic research, cooperation with academic institutions, and conducting research on best practices for crime prevention and fighting corruption, we still see that the crimes such as misuse of influence and position is the most serious and rampant challenge of the Afghan penal system. This is due to the lack of academic research and the lack of a preventive strategy and policy by the government and the anti-corruption commission, as

well as the lack of research institutions in the field of crimes and influence crimes. For this reason, the academic and research-based mechanism suffers from little to no academic studies and research in the field of criminology, particularly on the crime of influence misuse.

Lack of an independent research and academic institution mandate to study crimes, non-existence of specialized boards of criminologists and other specialists for academic studies and identifying the factors and causes of influence misuse, lack of academic preventive plans in public and private institutions and agencies, confirm challenge and shortcoming of legislative preventive policy and its academic and research-based pillar.

5. Economic and Financial Mechanism

International documents consider crimes such as bribery, extortion, misuse of influence, abuse of positions authority and power, unauthorized use of government property, illegal accumulation of assets, nepotism, cronyism, and embezzlement as examples of financial corruption (UN Anti-Corruption Convention, 2003: Articles 22-15). Economic crime is a set of crimes concerning properties that acquired without violence but with deception or abuse of position, power, or influence or with the motive of gaining profit (Gassin, 2010: p. 121). One of the characteristics of economic crimes is the absence of a real victim, damage to property/assets, interests, resources, or public health and security. This category of crimes is committed through the abuse of administrative or political position, or intelligence. (Ebrahimi, 2013: p. 155).

One of the principal priorities set forth in the Afghanistan's Anti-Corruption National Strategy is the "sound financial and budgetary management and tracking money in a transparent and auditable manner" (National Strategy to Combat Administrative Corruption in Afghanistan, 2017). A large part of crimes influence misuse is related to economic and financial affairs. Therefore, the adoption of economic and financial legislative measures that prevent the interference of influential individuals in the country's financial and economic institutions is one of the requirements of Afghanistan's criminal policy. In the economic and financial sector, the Afghan legislature has enacted a series of legislative documents to prevent financial abuses, protect public assets and support a sound administrative system. The Law on Dissemination and Registration of the Assets of Government Officials and Employees, the Law on Access to Information, the Law on the Supreme Audit Office, the Regulation on the Return of Illegal Assets Acquired through Corruption, the Case Management System Regulation, the President's Decree of on Preventing Influence Misuse and the Middling in Hiring Process of Government Officials and Civil and Military Service Employees are among these laws.

Creating a system for disseminating, registering, and assessing the assets of high-ranking government officials, providing the basis for detecting abuse of official authority, misuse of influence, and illegal increase of assets of high-ranking government officials and employees, preventing the loss of public assets are among the objectives of the "Law on Dissemination and Registration of Assets of Government Officials and Employees". The "Regulation on the Recovery of Illegal Assets Gained through Corrupt Practices" pave the way for verifying the illegal assets that are under the possession or control of natural or legal persons, for effective and transparent management of seized and confiscated assets, ensuring coordination between government authorities, foreign countries, national and international institutions including banks and Interpol police in order to intercept and recover of illegal assets.

Undoubtedly, misuse of influence, and abuse of administrative, political, religious and ethnic position and status is one of the many ways used in the country to earn illegitimate income and accumulate illegal assets which has disrupted the economy the country and caused the financial flow of the government to stagnate, thus causing serious harm to the economic and financial system. Of the country.

The lawmaker's efforts to provide a preventive legislative solution to the challenges of the economic and financial sector are relatively good and desirable but not enough as the country's economic and financial sector is still prone to interference and exercise of illegal influence due to institutional and organizational barriers, lack of transparency in the revenue sector, lack of oversight and control over economic activities, monetary and financial circulations, economic exchanges and development projects transactions. The mentioned laws and regulations are still suffering from gaps and shortcomings in the economic and financial sector due to the failure in enforcing these laws upon criminals of influence misuse, and due to failure to recommend a clear preventive and proactive solution for the crime of influence misuse.

6. Collaborative/Participatory and Supportive Mechanism

Due to its multi-dimensional nature and extent, the task of developing and implementing a criminal policy is the responsibility shared by all public departments, the ruling system, and non-governmental organizations and community-based institutions. The variety of crime prevention methods indicates that the issue crime has gone beyond the scope of duties of the legal, judicial and police institutions, and dealing with it effectively requires the cooperation and participation of government institutions and community-based organizations on the one hand, and on the other hand, it requires transformation and innovation in strategies and tools required and used in dealing with the issue. (Najafi Abrandabadi, 2008: pp. 140-141). It is obvious that public participation and civil society participation at all levels of legislative, judicial, and executive criminal policy, is a decisive factor and the measures designed to deal with crimes are no longer monopoly of the government (Jamshidi, 2011: p. 26) ,and the role of social structures and community-based organizations in dealing with crimes in all stages, including the prevention stage, is fully evident. Because social prevention of crime is a strategy that prioritizes the participation of community members in actively preventing the occurrence of a criminal behavior and other social harms, and searches for the cause of crime in social structures (Bayat, Sharafatipour and Obedi, 2008: p. 49).

The Afghan lawmaker, considering the role of people's participation and the effectiveness of non-governmental organizations participation in crime prevention, in order to strengthen the participatory criminal policy, has foreseen and established at least two important documents namely "Law on the Protection of Whistleblowers of Corruption Crime" and the "Law on the Right to Access to Information". The first document covers community participation crime prevention and even in the process of detecting, investigating, and prosecuting criminals; and in many cases, in addition to material and spiritual support, talks about material and spiritual punishments and incentives for public participation and in case of loss/damages, has set forth compensation.

The second document, however, recognizes the access to information as a right for people and civil institutions. According to this law, the government departments should support people who disclose information related to corruption, mismanagement, injustice, criminal felonies, law violations, human rights violations, and serious damage to public security and the environment. It indicates the attention of the Afghan legislator to cooperative criminal policy. In fact, the role and participation of civil society and public along with the government institutions is considered the center of preventive measures in the fight against corruption and crime of influence misuse.

Therefore, natural and legal persons right of access to information from public departments, ensuring transparency, better public outreach, people's participation in governance, departments accountability is an important step and a policy and preventive measure in fighting corruption crimes and influence misuse. But what is noteworthy in this regard is the lack of citizens participation and the practical role of civil institutions in the prevention programs. The law has considered a role for non-governmental organizations and civil society in all stages of proceedings and has clearly supports their activities. However, these organizations have not been able to present any academic plans or solutions for

crime prevention and, from a practical point of view, has a public oversight role in the effort to reduce and prevent crime. This may have many reasons: The most important reason is the rejection of such programs and solutions by the investigative and judicial institutions and policy makers of the Afghan penal system. This is due to the view held by policy makers and department staff of government institutions that it is the sole responsibility and authority of judicial authorities are other competent official to deal with crimes. Therefore, the participation of citizens and civil institutions in making criminal policy and participation in the penal system is a new thing take time to be accepted as a practice and belief.

Recommendations

While having many strengths, the preventive legislative policy of the legal system of Afghanistan concerning the crime of influence misuse, still suffers from several gaps and shortcomings: Lack of needs assessment in the legislative field; no special crime prevention law as well as no law on prosecution of criminal influence, independent of other crimes; no well-said definition for the crime of influence misuse and clarification of its scope in the current criminal laws, especially the Penal Code; no criminological, sociological and psychological approach adopted by the legislator to address the crime of influence misuse; no provision for the establishment of academic and research organizations focused on crime prevention; no provision for establishing a monitoring and control mechanism for government institutions; lack of provision for a clear framework of coordination and cooperation among relevant government institutions; and nonexistence of a system for ensuring transparency and accountability in revenues are among the shortcomings and vulnerabilities of Afghan preventive legislative policy. In an effort address these challenges, the following measures are recommended:

1. Require needs assessment for legislation: Conducting needs assessment for legislation must be made a requirement as it helps in understanding the ground realities of a society and hence paving the way for enacting efficient and effective laws to protect the interests of citizens and the society.
2. Pass two special laws: Crime prevention is a very sensitive and important matter at the national and international level which should be on the work agenda of governments with a comprehensive view. Enacting a "Crime Prevention Law" in general, and " Anti-Criminal Influence Law " to specially deal with the crime of influence misuse due to its broad scope, wide-ranging effects and consequences on the political, economic, cultural and administrative sectors of government and the society is a must for an efficient legislative criminal policy.
3. Revise the Penal Code provisions related to the crime of influence misuse: Criminal system of Afghanistan, in addition to non-existence of a special law on crime prevention, has no legal and academic definition of the crime of influence misuse, neither its scope and forms are defined and identified. Therefore, in the absence of a separate special law, it is necessary to revisit the provisions of the Penal Code related to the misuse of influence and its instances and forms.
4. Adopt a criminological approach toward the crime of influence misuse: The criminological point of view is focused on the etiology and finding the root causes of a crime. This perspective focuses on the inception and origin of a crime, how the offender evolves in the course of their criminal act, and the means for crime preventing. Therefore, it is necessary for the legislator to adopt this approach to study and evaluate the cultural, social, political, legal, and administrative structures of the country and adopt appropriate preventive and provocative mechanisms.
5. Create a crime research organization: The criminal phenomenon is a complex, challenging, and an academic problem in its nature. For this, creation of a special academic research institution tasked with studying the pre-existing conditions contributing to crime, should be an important part of a county's overall approach and preventive legislative policy to dealing with crime and protecting the society from harm ways. Creating sun an organization lies within the scope of legislators and policymakers' responsibilities.

6. Establish a monitoring and control mechanism to oversee government institutions actions: In addition to having a system in place that ensures transparency and accountability in government offices, it is also necessary to establish a mechanism to monitor government institutions and offices by the civil society. This is a step towards a participatory criminal policy and fighting influence misuse in government offices.

Conclusion

This study finds that the crime of influence misuse is a serious challenge to Afghanistan's governance and legal system. The Afghan lawmaker has taken steps to deal with the crime of influence misuse in its pre-occurrence stage and to maintain a healthy administrative and penal system. These include legal, organizational, cultural, economic, research, and participatory mechanisms. However, these mechanisms have been under-stressed and briefly discussed. Also, social and statutory approaches to crime prevention which are both being considered as the principal components and indicators of a preventive criminal policy, have not been reflected upon and elaborated enough in the legal and legislative instruments. Therefore, we recommend revising and amending Penal Code provisions concerning influence misuse to provide definition and clarification on the crime of influence misuse; passing "Crime Prevention Law" and "Counter Influence Misuse Law" while adopting a criminological, sociological and psychological approach with academic and articulated mechanisms concerning transparency and accountability; strengthening monitoring and control over government institutions; creating crime prevention research organizations; and strengthening and supporting citizens and civil society participation and partnership to address these gaps and strengthen the country's preventive legislative policy.

References

- Ashouri, Dariush, *Definitions and Concept of Culture*, Tehran, Asian Cultural Documentation Center, 1978.
- Babaei, Mohammad Ali and Ali Najibian, *Challenges of State Prevention of Crime*, *Judicial Law Journal*, No. 75, 2011.
- Bahram Bayat, Jafar Sharafatipour and Narges Obedi, *crime prevention based on a community-oriented approach*, Tehran, Social Vice-Chancellor of the Police Force of the Islamic Republic of Iran, 2008.
- Jamshidi, Alireza, *Participatory criminal policy*, first edition, Tehran, Mizan publishing house, 2011.
- Hassanzadeh, Ramadan, *the role and functions of education in the transfer of socio-cultural values*, *Education Innovation Quarterly*, no 4, second year, summer, 2003.
- Hosseini, Seyyed Ebrahim, *the role of laws in preventing crimes and social harms*, *Quarterly Journal of Islamic Studies of Social Harms*, Shahid University, Volume 1, Number 2, Fall and Winter 2019, consecutive 2.
- Salimi Sadegh, Shambiati Houshang and Naseri Nahid, *the role of anti-corruption non-governmental organizations in preventing corruption in Iran*, *Criminal Law and Criminology Research Journal*, Volume 9, no 17, Spring and Summer 2021.
- Shahram Ebrahimi, Majid Sadeghnejad Nayini, *Criminological analysis of economic crimes*, *Criminal Law Research Quarterly*, second year, fifth issue, winter 2013.

- Ameri, Arzoo, *Advancement of crime prevention goals in the judicial organization of the armed forces*, Farzangan University Press, Tehran, first edition, 2019.
- Conklini, Nestor García, *Cultural policy options in the field of globalization*, translated by Mustafa Islamieh in the book *World Culture Report*, Tehran, UNESCO National Commission Publishing Center, 2000.
- United Nations Convention against Corruption, October 31, 2003.
- Gessen, Raymond, *Criminology of economic crime*, translated by Shahram Ebrahimi, first edition, Tehran, Mizan Publishing House, 2010.
- Najafi Abrandabadi Ali Hossein, *Crime Prevention and Local Police*, *Legal Research Journal*, No. 25-26, 1999.
- Niazpour Amirhossein, *Rights to prevent crime in Iran*, *Judicial Law Journal*, numbers 48-49, spring and summer 2004.
- Penal Code 2017 official Journal, No. 1260.
- Anti-Corruption Law 2018, official Journal, No. 1314.
- Law on Protection of Whistleblowers of Administrative Corruption Crimes 2018, Official Journal, No. 1314.
- The Law on Distribution and Registration of Assets of Government officials and Employees (2018) in official Journal, No. 1329.
- Access to Information Law 2019, official Journal, No. 1358.
- Law of the Supreme Audit office 2020, official Journal, No. 1375.
- Regulation of registration and review of beneficial ownership 2020, official Journal, No. 1393.
- Regulation on the regulation of the case management system 2020, official gazette number 1390.
- Public investment management regulation 2011, official Journal, No 1390.
- The Law on Regulating the Seleucid Relations of officials of the Three Powers of the Government, J.A. 2011, Official Journal, No. 1051.
- Decree of the President of the Islamic Republic of Afghanistan on preventing influence and the use of intermediaries in the process of appointing government officials and civil and military service employees 1392, official Journal, No. 1126.

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