



## The consequences of security-oriented policy on the violation of citizens' rights in Iran's legal system

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### Abstract

The discourse of "security" has been proposed as a new approach to criminal law and criminal policy. This approach is especially evident in the police organization - as a clear manifestation of top-down governance and in the form of the first level of power interaction with the people. Keeping in mind that the limits of government and political systems' involvement in the field of security are not always the same everywhere, the main issue in this research was that the fear of crime and victimization is completely natural, and if it causes Citizens to take appropriate measures to avoid being victimized, it has an important protective function, but when this feeling takes on an extreme and unreasonable aspect that causes and strengthens such a feeling, one can witness many harmful personal and social effects of The passivity and social isolation of the citizens and the reduction of public trust in the government and the institutions of exercising public power were among them, and probably retaliation by the frightened citizens in the form of delinquency, abnormality, and disobedience. In particular, three factors have played a role in the formation of the security-oriented criminal policy: 1) terrorism and gangsterism (group crimes), 2) the performance of the media in publishing criminal news, and 3) increasing the crime rate. The method of the present research is the analysis of security-oriented policy on the fear of citizens being victimized. The authors of security-oriented criminal policy are divided into two categories: active (security-oriented before the crime) and reactive (security-oriented after the crime). As a result, the quality of life of citizens and their level of mental and psychological security can also be a function of police policies and actions. The present research, while examining the concept and components of security orientation in criminal policy, especially in police actions and measures, investigates its effect. It has examined the citizens' fear of being victimized and its relationship with the category of citizenship rights.

**Keywords:** politics, security, violation of privacy, citizenship rights, Iranian law.

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## **Introduction**

Criminal policy can be considered both justice-oriented criminal policy and security-oriented criminal policy. While in the justice-oriented criminal policy, the principle is on the freedom of individuals and the non-interference of the government in the private lives of individuals, in the security-oriented criminal policy, unlike the justice-oriented criminal policy, the principle is on the government's intervention in the lives and privacy of citizens, which Such intervention sometimes becomes extreme and causes a violation of fundamental human rights of citizens. In the security-oriented criminal policy, under the pretext of maintaining security, the statesmen take and implement decisions and actions, the effect of which, despite what is expected, is a violation of the public security of the society.

### **A- Statement of the problem**

The security-oriented criminal policy, which leads to the application of strict strategies to deal with crime disturbances and violations of norms, has been revived in the last two or three decades, especially under the title of "return to punishment movements" and in "Punishment" thought form which is manifested in some strategies such as "zero tolerance". What has accelerated the implementation of such strict strategies in recent years is the ominous event of "September 11, 2001" in the United States of America. Extreme criminalization, excessive government interference in the field of civil liberties, harsh and intolerant treatment of some important crimes such as terrorism, ignoring some fundamental principles of criminal procedure such as the principle of innocence and the lack of many dangerous criminals One of the legal and judicial guarantees and protections is one of the salient features of the security strategy of criminal policy.

The clear manifestations of this security orientation can be seen in the actions of the police, as the executive arm of the criminal justice system. The police, since its inherent duty is to provide stable security for the government on the one hand and citizens on the other hand, sometimes, may go to extremes by violating the limits and loopholes of the defined standard duties and powers, In his actions and decisions, he should do actions that not only do not create a sense of security for the citizens but, on the contrary, create a sense of fear and insecurity in the citizens. Most of the interventionist and strict policies such as zero tolerance and punitiveness are also police policies, that is, they have been implemented by the police force and have caused public distrust in the police force and feelings of insecurity and fear, especially the fear of being victimized. Citizens have created The question is, what is the effect of security-oriented and security-oriented criminal policy, especially in police actions and strategies, on the level of fear of crime (fear of victimization) of citizens? To investigate and

analyze this issue, firstly, the concept and components of security, and finally, the effect of security in criminal law, especially in police actions, on the fear of crime (fear of victimization) in the light of the concept and components of citizenship rights.

### **B- The importance and necessity of research**

Among the authoritarian and security-oriented policies and strategies used by the police, doctrines such as a fair trial, human rights, citizenship rights, inherent human dignity, etc. become ineffective. Strict police measures, on the one hand, due to the weakness of traditional monitoring mechanisms and informal controls on relations between individuals, and on the other hand, due to the abuses of governments that ignore human rights standards under the pretext of ensuring internal and external security. are used, but sustainable security depends on the fulfillment of the citizens' rightful demands, that is, respect for the inherent dignity of human beings, through which the preservation and promotion of citizenship rights become more important and necessary.

### **C- Research methodology**

The method of the current research is analytical and descriptive and will be analyzed and finally, a conclusion will be drawn. Also, it has been tried to update the research contents from authoritative articles, and legal books, in this method, an attempt is made to find a suitable answer for security in the legal structure. The criminal policy orientation of citizenship rights in Iranian law should be achieved.

### **D- Research purposes**

In this research, an attempt has been made to examine the security orientation of the criminal policy of citizenship rights in Iran's legal system, as well as to express and explain the appropriate solutions to respect citizenship rights. Based on this, considering the importance of the research, the following goals were pointed out in line with the current research

The objectives of the research include scientific and practical objectives including scientific goals; Examining the concept and components of criminal policy security

Providing appropriate solutions in line with the research topic including practical purposes; Courts and judicial authorities

### **E- Research background**

Qanad, Fatemeh, and Akbari in the article "Criminal Policy Securityism", the criminal policy that has chosen a solution to the problem of crime as its main goal and framework is called a set of principles based on which the community board responds to the criminal phenomenon. will organize In the meantime, looking at the criminal policy and determining its goals can affect the performance of the criminal policy, therefore, if the criminal policy is formed

to provide maximum security and guarantee, all the principles, conditions, methods, and mechanisms must be based on this. And the means of implementing these goals should be used in the criminal policy group.

In another research by Bisharati, Ibrahim in the article "Securityism in the criminal policy of Islam in the face of violence" in the criminal policy of Islamic security, the two elements of violence and security were never considered as a general illusion, and for this reason, there are significant differences with the thought Securityism has a western meaning in politics. The main differences that distinguish Islamic criminal policy from Western criminal policy are in the areas of security, control, and containment of violence. In addition to the field of legislation, which is mostly within the jurisdiction of the legislative body to criminalize behaviors and abandon behaviors.

#### **F- Research innovation**

Police security policies and models, even though from the point of view of a considered and efficient criminal policy, are questionable and questionable, in terms of compliance and non-compliance with the standards and teachings of human rights (that is, human rights, because a is a human being, he is entitled to them) as well as citizenship rights (i.e. the rights that a human being enjoys based on the citizenship relationship he has with his respective political system) can also be analyzed. The rulers' recourse to security excuses to apply severity and severity of punishment builds a high wall of mistrust between the government and the citizens, and in this situation, the citizens see the government not as a force that guarantees their Muslim rights and freedoms, but on the contrary, as a great They think that they are the most threatening and violative; Therefore, they do not reflect the government's punitive interventions in the realm of their lives and privacy, they consider them as a form of unnecessary voyeurism and do not easily obey the orders and orders of the ruling powers. It is on this basis that from the point of view of the doctrines and standards of critical criminology - which, contrary to the initial assumption, believe that criminal justice institutions and facilities are the cause of the increase in insecurity and criminality - the authoritarian criminal policy lacks legitimacy.

#### **G- The concept and components of security in criminal law**

Ensuring social order and security is a top priority for all political systems, and all governments strive to establish the highest level of security in their citizen society. (Pak Nihad, 1393: 156) Keeping in mind the fact that the limits of government and political systems' involvement in the field of security are not always the same everywhere, it should be said that the main issue is that the fear of crime and the possibility of being victimized is completely natural. If it causes the citizens to take appropriate measures to avoid being victimized, it has

an important protective function, but when this feeling takes on an extreme and unreasonable aspect, there are extensive personal and social harmful effects, including passivity and social isolation of the citizens and The reduction of public trust in the government and the institutions of exercising the superior power of the government and possibly retaliating from the frightened citizens, in the form of delinquency, disobedience, and abnormality. (Kazemi Joybari, 1388: 184)

What strengthens and intensifies this process is the security-oriented policies and actions, especially in the police organization - as the closest level of exercising the public power of government to the citizens. In this regard, you can simply look at the matter; The more an environment is protected and monitored, the more fear and panic will increase in that environment, and people constantly feel that danger is lurking in them (Mozami, Shahla, 2019, 2019). Meanwhile, especially the role of The police and the functions of this institution are worthy of deeper consideration.

### **1. The concept of security**

Securitism in criminal policy refers to the effort to improve the security of society through the application of policies, laws, and measures that are adopted to prevent crimes, reduce risks, and increase the sense of security in society. This political approach tends to try to create a safe and stable environment in society. This definition is based on the understanding of security as a desirable social situation, which applies policies and strategies to prevent and reduce crimes and security threats, according to the current situation and the possibility of crimes. One of the most important issues in the new approaches to policing is paying attention to people's sense of security and reducing the fear of crime (probability of being victimized) among them. Some like "Friedman" have said in the description of this new policy: "Strategy and policy, with the goals of effective and efficient control and crimes, reduction of fear of crime, development of quality of life, expansion of police services and legitimacy of police work through support In the name of the society that is trying to change the criminal conditions. This requires more responsibility of the police, participation, and involvement of more people in the decision-making process, and more attention to the rights and freedoms of the people (Troya Navij, Robert, 2013, 43)

In the new approach to the police, reducing the militarization of the police and turning it into a desirable manager of society and the main executor of the crime prevention process is one of the main solutions and is at the forefront of all measures and programs, and resorting to reactive measures as a last resort against troublemakers. Order and security are desired. The main emphasis in this new process is on the cooperation between the police and citizens in

preventing crime-causing factors and disorders controlling the level of fear of crime, as well as the institutionalization and internalization of social values and norms, and encouragement and motivation of citizens to comply with them (Nowrozi, Bahram). 1388, 70-74) The new approach under discussion indicates the characteristics of the doctrine of "participatory criminal policy" (Heidarpour, Hamid Reza, 1391, 54)

In the speech of some French lawyers, the characteristics of security-oriented criminal law have been explained; Among others, Mrs. "Delmas Marti" speaks of "militarizing national criminal law" and believes that the effect of this new approach, especially due to the withdrawal of legal guarantees - both the guarantees of criminal law and criminal procedure, and the guarantees of human rights - will increase to an extent. The finding sometimes undermines the legitimacy of a law-abiding government. Mrs. "Marty" interprets this situation as a "black hole" and she means by such words to explain the conditions in which the legal guarantees in a law-based government, due to the shift of criminal law towards "security" are not respected. (Marty, Delmas, 2015, 143)

The model of security in criminal law also has components that we will examine below

## **2. Components of security**

The components of security in criminal policy and criminal law, especially from the police, can be studied in two categories; The first category is active components and the second category is reactive components. Active components mean the constituent components of the concept of security before the occurrence of a crime, and reactive components mean the constituent components of this concept after the occurrence of a crime. We will continue to discuss the preference of these cases, but as an introduction, we can mention that in the field of criminology, the concern of ensuring the life and financial security of citizens, especially the security of vulnerable citizens and potential victims, are the foundations of new theories such as "evaluative or estimated justice" and "crime risk management" or "new criminology". The mentioned concern has been the focus of the studies of some contemporary criminologists and has led them to cognitive security studies. In such a way recent criminological studies have become very close to security-oriented studies, especially by relying on the plans and actions of police-security activists. For this reason, today we can boldly talk about the emergence of "security-oriented criminology". Based on this new approach, studies on ensuring internal security against the threats of criminals, in practice, have downplayed the human rights achievements of criminal justice and the scientific achievements of theoretical criminology and applied criminology, the truth is that although the right to security should be

prioritized should be placed to ensure the financial and life security of the citizens with the criminal and preventive system, but it should be remembered that these same citizens have another right, that is, "the right to security (legal-judicial security)" (Rohani, Hassan, 139, 9). They are also protected against police-judicial interventions. Non-observance of the citizens' right to security (legal-judicial security) on the one hand, leads to a kind of insecurity for them, and on the other hand, there is a lack of trust among the people who demand security regarding the legitimacy of the actions taken, especially the usual actions by the police - which They can be called first-line measures - it provides. (Najafi Abrandabadi, 1391: 11-20)

Depending on the time before or after the occurrence of criminal phenomena (crimes), the components of security can be divided into active components (looking at the stage before the crime) and reactive components (looking at the stage after the crime). In the following, we will review each item.

### **2-1. Action components**

Some routine actions, especially by the police, can be implemented before the crime occurs and at the same time, they can be considered "security-oriented". These measures are usually called "situational or situational preventive measures" (Mir Khalili, 2010: 45). are being investigated. It means the state or situation, the stage and situation before committing the crime. In this approach, it is assumed that if the situation is under constant and accurate monitoring, the risk of crime will be minimized. This, of course, is the first-level attitude to the situations before the crime or pre-crime situations. If this surveillance, under the guise of situational prevention, becomes extreme and maximum, we can easily witness the effects of security. But a very important point that should be kept in mind is that in a law-abiding state, where the goal of crime prevention cannot justify the implementation of any preventive measure, it is necessary to respect Muslim human rights. The principles and standards of human rights, respecting the dignity and dignity of human beings, do not justify resorting to any action, even to fight crime. Situational prevention challenges individual freedoms by defining social and private spaces, especially through police actions, and because the main tool in situational prevention of crime is monitoring people's behavior and movements, this type of prevention is possible. To violate the right to privacy, freedoms, and legitimate rights of people. Some like "Felson" and "Clark" believe that three moral principles should be considered in crime prevention:

1. Provide the opportunity to prevent crime equally for all classes of people
2. Dividing the responsibility of crime prevention in all parts of the society, i.e. the participation of criminal policy

and respect for individual rights and freedoms (Rizvani, Sudabah, 2013, 1443

It seems that situational prevention or at least some of its implementation types are criticized in terms of human rights in the new contemporary world. Although all people want to ensure their security, it seems that in exchange for this security, many of their rights and freedoms are threatened. Situational prevention includes changing one's lifestyle, way of working, and social presence, changing daily activity hours, changing commuting places, and avoiding all or part of interests and freedoms.

Situational preventive measures, even in their primary and minimal form, cause people to be restricted (Najafi Ebrandabadi, Ali Hossein, 1383, 599). These conditions gradually turn society into a "barracks" and "barracks" environment in which everyone Things are under supervision and control, and this increases the feeling of fear of crime and the possibility of being injured in citizens. The more the scope of criminal law intervention expands, the more rights and freedoms are exposed to restrictions because the chances of citizens becoming criminals increase (Najafi Abrandabadi, 2019, 39) this criticism, especially to some criminal policies such as "Zero tolerance" which is based on intensifying criminal reactions and not condoning crimes, especially minor crimes, is included. Regarding this criminal policy, there are some irreparable risks regarding the performance of police officers; One is the misuse of powers and authority by officers and police forces; In this sense, the police, regardless of the legal limits and loopholes of the intervention, is trying to limit the rights and freedoms of the citizens for no reason, and the continuation of this situation can cause a decrease in the effectiveness of the police institution and even a serious threat to public order.

## **2-2. reactive components**

After the crime and assuming the arrest of the accused or the accused, criminal proceedings are started against them and their accusations are investigated, but a very important point that needs to be noted is that criminal proceedings have requirements that should not be ignored. In a criminal trial, it is supposed that the accused, under the protection of the basic principles of a fair trial in the first place, is "presumed innocent" and the plaintiff must prove the existence of the accusation against the accused, and if the accusation is proven, the punishment stipulated in the law should be applied to the criminal, taking into account all conditions and circumstances. Therefore, as many thinkers also believe, there is no doubt that "unbridled judicial powers cannot be an acceptable legal issue. This violates the principle of legality, on which the scope and position of the legislature and the judiciary are determined; the principle known as the rule of law, which is one of the important principles of democracy..." (Mahmodi Janaki,

Firoz, 2018, 670) Therefore, the action of the criminal lawmaker should be limited in two ways (both in the drafting phase and the implementation phase). First, the criminal legislator should avoid prohibiting and limiting rules as much as possible. Accordingly, according to the "principle of intentionality of crimes", the criminal law criminalizes only intentional acts and the criminalization of unintentional acts is an exception. Second; The law of criminal procedure is considered as the limiting law of the criminal legislator in the capacity of execution and practice. In other words, the criminal procedure, as a bridge between crime and punishment, regulates the way of reaction from the time of committing the crime to the punishment. (Khaleqi, Ali, 2013, 29) If the criminal legislator considers actions as crimes in the law-making stage, under the pretext of maintaining public order or securing the interests of the victims, then in the implementation stage, i.e. in the field of criminal procedure, during a fair trial If the defendant's interests are secured against the public authorities, he should be prosecuted.

There is no doubt that in a law-abiding government, the goal cannot be justified by any means, and the balance between the effectiveness of the penal system and the guarantees of citizen rights and human rights must always be maintained. "Procedure, not the goal itself, is a means to distinguish legitimate from illegal accusations; Therefore, in this context, there is no doubt that respect for the human dignity and human rights of individuals, even though the accused and respect for his right to defense should guide the legislators and judges in drafting and implementing the provisions related to the proof of evidence in a criminal case to guarantee a fair trial" (Tadin, Abbas, 1389, 34) Basically, any progress in the free space of citizens' behavior and the addition of their restricted and controlled behavior area through criminal law and in the light of criminalization and proceedings and imposition of punishment, first of all, to reasonable justifications and reasons. It is scientific and logical. Any criminalization and imposition of punishment regardless of these limitations and bases of criminal law can be challenging and problematic. The social cohesion created through coercive and repressive criminal tools may be the answer in the short term and people surrender to the criminal lawmaker due to the intimidation characteristic of punishments, but in the long term, due to the different lifestyles in the society and the irregularity of criminalization in this field, It is possible to face a problem and since the government has attached its political and value authority to many of these laws, it is inevitable to deal with the violators of these laws with severity. This is where we talk about reducing the value of punishment.

This situation, which seems to be nothing but the disarming of criminal rights, has no result other than the victimization of this branch of rights and

reducing it to the level of a political tool at the disposal of the government and, as a result, not empowering citizens to legal restrictions. Unfortunately, in the assumption of security-oriented criminal law and as a result, the security of police policies, criminal law, and the mechanisms at its disposal will only be a tool to satisfy the authoritarianism of statesmen and will not have the least support and public support. The desired values in criminal law and criminal policy have turned into anti-values and the methods used will have the opposite effect. Human rights were supported and this support is done by criminalizing their violations, but today all examples of human rights, which are part of human dignity, have not been criminally supported. The penal system of any country, because it is derived from the political system of that country, in many cases cannot have sufficient and sufficient support from the human rights system, while the usual actions in criminal policy must have the color of human rights, that is, based on some protections. that man needs in the international dimension, he criminalized it. (Hayderpour, Hamid Reza, 2013, 24) The more important point is that the use of criminal law should be the last resort because reforming society with the tools of culture has deeper and more permanent results than the weapon of punishment. will follow (Kosha, Jafar, 1388, 643) The principle of minimal application of criminal law has a special place, especially in law-abiding political systems that adhere to the high value of freedom. Considering that the first principle in such governments is the freedom of citizens, defining freedoms in any form, including through criminalization, requires sufficient justification. Criminal law, without insisting on the principle of minimum penal entries, is like a warrior who is always fighting and drawing his sword. It is obvious that in such conditions, although the penal capacities of the policy-making authorities and the enforcers of penal laws have been liberalized and come into force, not only the ability and skill of the official authorities to use other social, cultural, and economic capacities will decrease, but it will even lead to this Citizens may consider the payment of criminal costs as part of their normal living expenses. In this case, the concept of including punishment for citizens will not achieve any of the goals of the criminal justice system; On this basis, according to Hobbes' words, "the civil ruler uses the sword of justice discontinuously, as if he cannot hold it continuously like a hot object." (Hobbes, Levianan, 1389, 566).

After examining the concept and components of security in criminal law, in the next part, we will examine the concept and components of criminal policy models.

### **2-3. Concept and component of criminal policy models**

In criminal policy, the proposed initial plan is proposed with four basic

relationships, namely, government response bias, community response bias, government response deviation, and community response deviation. However, the investigation of a specific and limited behavior in a time and place will be based on a single model that appears in the law of prosecution. Thus, when the theft committed, for example, a criminal trial or the state ritual of peace and compromise, is faced with a government response, Naturally, the response of the community will be left out, and therefore the revenge of the victim against the offender or his reconciliation with the perpetrator with the help of another group (society) is excluded. Of course, disruptive phenomena may arise in time and cause a new government response to be added to the traditional community response. For example, it can be seen that some murders face both criminal prosecution and trial, that is, the government's response, and the vengeful reaction of the victim's family, that is, the community's response. But without a doubt, it should be considered only a temporary disturbance caused by the dynamic and evolving movement of criminal policy and the emergence of unconventional transitional models, which itself is related to the slowness of the movement. (Marti, Delmas, 2015, 139) It may happen, as we mentioned before, that the government's responses will cause the consequences of the rejection of the deviant criminal by the social group from the society. For example, the rejection of the convict by the members of the group or relatives and colleagues, after the release from prison or the deviant rejection after the treatment in a specialized institution; this does not mean that the reference model has changed, but only its secondary effects, which seem to be related to the characteristics of the reference model (the degree of controllability), and in any case, it does not destroy its structure.

### **3. Analysis based on changing attitudes and approaches**

Reflecting on what was said about the category of "security-oriented (security-oriented)" police policies, two main indicators can be pointed out regarding the change of police attitudes and approaches based on security-oriented; One is prioritizing security over civil rights and the other is police authoritarianism. In the following, we will examine each of these indicators.

#### **3-1. Prioritizing security over civil rights**

The priority of national security and public order over the citizenship rights of individuals has intensified, especially since September 2001 AD. The claimant governments, by emphasizing that terrorist attacks on commercial and defense centers of the United States may be perpetrated against them as well, decided to protect the privacy rights of suspected and non-suspect citizens under the guise of crime prevention and based on The new theories proposed in criminology and security-oriented criminal law are extremely weak or ineffective. The

domination of the security-oriented strategy and the risk-oriented approach to criminal justice caused the dominant discourse in criminal policy in the last decade to be based on "security-oriented" and not "human rights-oriented". In the new discourse - under the title of the "New Criminology" movement - on the one hand, the monitoring of citizens is intensified in an extraordinary way, and on the other hand, the strategy of rehabilitation and prevention is negated. With the expansion of the official and government social control network or through the restriction and sometimes, the elimination of individual rights and freedoms in the form of a tolerance policy, police security strategies become manifest and operational. (Najafi Abrandabadi, Ali Hossein, 1388, 719)

The emergence of manifestations of criminal repression and criminal security-oriented movement can be considered as one of the most important situations of the emergence of functional limitations of criminal law. In other words, although the existence of criminal law is necessary to distinguish norms from anomalies and determine the pattern of legal behavior for citizens in any society, in creating a healthy and law-abiding society and ensuring and guaranteeing the basic rights and freedoms of citizens, only the intensity and intensity of punishment cannot be used. win. The possibilities of the criminal justice system, avoiding the creation and strengthening of discriminatory territories, the possibility of abuse by law enforcement, the possibility of weakening the moral power of criminal law, the possibility of reducing the effectiveness of punishments, the potential criminalization of criminal justice institutions in the light of the labeling process and the creation of criminal conditions through criminalization Extremism and compliance of the criminal law with public expectations and the will of the majority of people are among the practical limitations of the development of the realm of criminal law, which should be taken into account in preventive and countermeasures. Ignoring these limitations and relying only on theoretical and philosophical justifications in resorting to the mechanism of criminalization and other types of interaction of the criminal justice system with citizens, including through the police, can face criminal law with serious challenges and its legitimacy, position, and functions question (Habibzadeh, Mohammad Jafar, 1384, 5)

Parallel to the emergence of these challenges, there are also problems in scientific procedures in criminal policy, including strategies and routine actions by the police force, although "neoliberalism" does not believe in maximum criminalization due to the existential nature and theoretical principles of the field (E1-Gamal, M Islamic, 2006, 62) But the protests of the western nations against their governments, together with the financial crises that have arisen and the statesmen's appeal to the theories and strategies of intimidation and suppression of criminal rights, have practically weakened the western governments and

sometimes denied the rights of citizens and, on the contrary, preferred and strengthening national security. The new criminal policy approach of Western countries under the title of "security" and consequently, the intensification of the intervention of criminal law in the field of civil rights and freedoms and the strengthening of intimidation and repression by law enforcers, especially the police forces, cause ambiguity in the political and legal differences between internal and external security. crime, war, prevention, and suppression. Mrs. Delmas Marty, a famous French criminologist, believes that the most important ambiguity is related to justifying the application of criminal punishment through the conflict between the security-oriented approach and the human rights approach; In a way that combines the function of the tool of criminal law (that is, the weakness of international cooperation and the fight against the impunity of criminals) with its symbolic function (that is, the tendency to strengthen and support the fundamental values of human rights). (Marti, Dalmasi, 1385, 85)

Thus, today we are witnessing the emergence of repressive and security-oriented strategies in the criminal policy of some countries. This is, among other things, caused by the decline of social or support governments in the West. In such a way that government intervention in economic, welfare, and social affairs, due to tensions and social and economic crises at the national and international level, becomes less and less effective every day, and over time, it is replaced by extreme government intervention in criminal affairs and repression and Intimidation and intimidation. This incident is the result of the process of prioritizing the category of national security over citizenship rights. Thus, one of the important dangers arising from the emergence of repressive movements and security-oriented actions and policies, especially from the police, is the instability and decline of law-abiding governments, which are the main protectors of civil rights and individual freedoms.

In the last few years, under the influence of some unfortunate events and under the pretext of fighting crime and establishing security, the issue of "crime risk management within the framework of the penal system" has become one of the most important priorities and directions of criminal policy. (Ebrahimi, Shahram, 1389, 24) It is within the framework of this new approach that in the past few years, the legislators of some countries, such as Germany and France, have resorted to laws regarding the volume of crimes, which the aspect of strict monitoring and management of crimes, Other aspects and their dimensions have priority and superiority. The approval of such regulations is a sign of the decline of the philosophy of rehabilitation and return to the "utilitarian model" and the increase of criminal strictures, which sometimes, the protection of the rights and freedoms of citizens faces a serious problem. This is while in the "Sixth International Congress of Criminal Law 1974" in "Budapest" - the capital of

Hungary - with the subject of methods and tools of criminal law, 1- trying to achieve the desired goals with minimum repression and maximum rehabilitation; 2- Ensuring respect for human dignity and 3- Implementing the principle of legality of crimes and punishments along with all its results in the process of criminal proceedings, were introduced as desirable criminal policy tools. It should be added that today's governments and their policies have become more security-oriented to control society, but the basic principle is that maintaining the order, security, and peace of society, as the classic and traditional goals of the police, cannot by itself be a justification for violating The basic rights of people should be from this force. It should be emphasized that criminal law is not only seeking to respond to the security-seeking tendencies of contemporary society but it is required to observe the principles of the rule of law in a democratic and humanitarian society. In this situation, reaching the goal does not justify resorting to any means. (Ebrahimi, Shahram, 1391, 72) Apart from this, the creation of fear and panic among the citizens of the victims of policing actions is the last event that can happen

The second main indicator of the change in attitudes and approaches toward security is the formation of "Police Authoritarian Thought", which we will explain in the next paragraph.

### **3-2. Formation of police authoritarianism**

The adoption and implementation of security-oriented policies and measures in the criminal policy will gradually lead to the formation and consolidation of the thinking based on which the actions of the police - as the most obvious operational institution of the security-oriented criminal policies - will move towards authoritarianism. In this way, the organizational authority of the police is not used as a solution to establish objective and real security in society, but as a "comprehensive strategy of control and coercion" to impose values and norms on people. This is while today criminologists and criminal lawyers pay special attention to the position of the police in implementing the criminal policy desired by the rulers. The role of the police is especially important because the interaction of this institution with citizens is the first level of communication between citizens and public forces, and at the same time, it is the most obvious and obvious level; In such a way that the general public always measures and knows the coordinates of the criminal justice system with the police and its interactive patterns. On the other hand, this stage has been given special attention by jurists for the reason that the possibility of the greatest violation of the fundamental rights of individuals is seen in it. Therefore, today, according to the position of the police, the establishment of restrictive laws and regulations that violate basic human rights and recourse to preventive methods and

measures to reduce crime and create and revive more security for society, have influenced the criminal policy of different systems. In line with the analysis of such criminal policy, the efforts made at the international level through the establishment and approval of mandatory or advisory documents and regulations should also be considered. Despite this, the expansion and deepening of the security-oriented criminal policy - which is based on new conservative criminological ideas - in the last decade, has caused concerns that moving from preventive policies to coercive and repressive policies is one of its obvious consequences. (Seyd Hossamuddin, Seyed Esfahani, 1388, 427) This is while some believe: "Nowadays, the obstacles and limitations [facing] realistic solutions are different and more serious, and that is the obstacle of basic [human] rights that. In international law (European Convention on Human Rights), which has a higher value than domestic law, it is clearly stated, ... [the doctrine of fundamental rights] by prohibiting resorting to the death penalty, denying torture, inhuman or degrading treatment, Respect for human dignity and individual freedom and rights-guarantees form something like the heart of this field. These rights guarantees, in addition to applying general guarantees (especially defense rights and the right to benefit from a fair trial) in criminal matters, also include specific guarantees in this field. Among these guarantees, we can mention the principle of legality of crime and punishment, the non-transference of severe criminal laws to the past, the transgression of lighter criminal laws to the past, the principle of necessity and proportionality of punishments, the right to benefit from the presumption of innocence, and the right to benefit from the prohibition of arbitrary interference in the deprivation of liberty. Here there is an infallible framework and scope within which the criminal policy can continue to exist due to the necessity of fighting crime..." (Gassen, Raymon, 2018, 841).

The push of police actions towards authoritarianism has gradually led to the formation and strengthening of the "militarization of criminal justice" phenomenon; An approach that, contrary to the conventional and dominant course of humanistic developments in criminal justice, has a serious desire to restore the criminal rights of the professional enemy and military agency (war) in criminal politics

War perception of crime, (Gholami, Hossein, 2049, 2049) the understanding of the warrior from the criminal, the definition of the criminal as the enemy, the transfer of the responsibility of the police and judicial institutions to the security and military institutions, the deprivation of the human rights of the suspects, the accused and the convicted, and the imposition of military management on All or parts of the criminal justice system, assigning military personnel to police and judicial posts, distorting citizen-oriented concepts of criminal justice, including

crime prevention and deviance, conflict with the law, victims' rights, etc., in line with the implementation of militaristic and authoritarian approaches, reproduction of war literature And militarization in criminal law and criminal policy in the form of concepts such as attack, patak, destruction, encirclement... is a part of the manifestations of the militarization of criminal justice that have appeared in different countries in different degrees. As a result of this approach, the discourse of judicial criminal justice has given its place to the discourse of military criminal justice. This discourse uses all the military capabilities that should be used across borders to deal with enemies and foreign invaders, against its citizens and residents of the national territory, it considers crime as a security phenomenon, and the judicial system is based on The military command transforms, removes the clothes of a citizen from the body of the accused or criminal, exposes him to humiliation and insults, just like the captured enemy. In such an approach, the authority of the criminal justice system is manifested not in justice but in its violence. (Gholami, Hossein, 2016, 317) The unfortunate consequences of this situation do not seem to be hidden from those who keep the side of fairness in the analysis. The least consequence of reinforcing and strengthening this approach is the formation of an atmosphere of terror and fear of unjust accusations by the police - as a symbol of the criminal justice system - among the citizens.

By explaining the characteristics of securitization in police policies, i.e. prioritizing security over citizens' rights and forming the idea of police authoritarianism - as the attitudes and approaches raised in this regard - the basis for analyzing the relationship between police securities and citizens' fear of crime will be provided based on changing patterns and methods. In fact, in other words, following the change of approaches, the methods and patterns of police interaction with people also change, and we will explain this issue in the next part.

#### **4. Analysis based on changing patterns and methods**

We said that with the dominance of security-oriented understanding and security-oriented perspective on police policies, security-oriented strategies will also be implemented by this institution. These strategies are implemented in different formats and frameworks and sometimes with more specific purposes and goals, but in the end, the result of their implementation is the occupation and the atmosphere of fear and fear of the possibility of violent and oppressive police action among the citizens. This is while criminal policy - which is better described as anti-crime or anti-crime policy - is not a goal, but a set of tools and facilities that are put in the service of a specific vision and understanding of the social reaction against crime. (Pika, George, 1380, 16)

The fact that criminal policy is a means and not a goal indicates that it should not be used exclusively, and therefore, to achieve the goals, one cannot resort to any action. This is how "Pika" believes: "The accepted inability of criminal justice in curbing the problem of delinquency has created a deep mistrust and a feeling of increasing insecurity among many people, which has led to the movement of "law and order" and the movement of penal strictness or return. resulted in punishment; A movement that, by proposing a return to severe punishments, called into question a large part of what we thought we had achieved in the direction of humanizing criminal justice. In this way, should we sacrifice this hopeful evolution of the penal philosophy, which is often exaggeratedly human-oriented? For this school of thought, rehabilitation does not necessarily mean treating every criminal as a patient who fits into the framework of medical treatment. Also, in the evolution that goes from revenge to punishment and from punishment to the rehabilitation of the criminal, every time if we want to keep it in a humane framework, we must take into account the standards of human rights and the precise definition of the government's action to fight crime. to be accompanied

#### **4-1. Implementation of security-oriented policies and strategies by the police**

Following the "priority of security over citizen's rights" and "formation of police authoritarianism", the space for the implementation of security-oriented strategies by the police will be provided more than before. First of all, it should be known that the institutions of criminal justice are institutions that arise from the will of the people and are used to maintain their security. This question has always existed, whether the recognition of the concept of order and security, and against it, disorder and insecurity, is within the scope of the duties and powers of experts or the general public? Following this question, we can ask what will be the effects of the direct impact of criminal policy on people's demands. It should be said that from the beginning of the emergence of scientific criminology, which was accompanied by the expansion and development of the theories of a "realistic library", thinkers have distinguished between the two concepts of "effectiveness" and "acceptability". In this way, experts' evaluation of the effectiveness of the solutions has always been preferred over the acceptance and wishes of the people. Nowadays, due to the increasing feeling of insecurity among the people, we can witness the direct influence of the people's will on criminal policies. Although it is difficult to assess the level of fear of crime and the feeling of insecurity about crime, due to the increase in the actual victimization rate and the widespread use of private security by the people, it can be considered that the feeling of insecurity of the people regarding the

occurrence of crime in the society is increasing. Naturally, the increase in the amount of actual victimization caused by living in a high-risk society has caused an increase in the feeling of insecurity in society, and as a result, policymakers have been encouraged to take advantage of stricter monitoring measures.

In addition to the feeling of natural insecurity, the feeling of artificial insecurity created by the media and politicians should also be taken into consideration. The report of the "Council of Europe" on the field of decriminalization has considered the creation of fear of crime caused by mass media as a major social problem in European countries. (Kashfi Esmailzadeh, Hasan, 2013, 263) This feeling of fake insecurity has caused an increase in people's demands about dealing with criminals. In this way, with the direct impact of criminal policies on the will of the people, we can witness the formation of a kind of "penal populism" among criminal policymakers. The purpose of penal populism is to give priority to the wishes of the people over the opinions of experts on how to deal with criminals. Penal populism processes emphasize the necessity of maintaining the safety of society members against the dangers that are threatened by criminals. In this way, the populism of punishment, which arose from the feeling of natural insecurity and the artificial insecurity of people of different societies, has provided the necessary grounds for the emergence of the "crime risk management" approach.

Based on these explanations, it can be claimed that penal populism is just a tool used by rulers and statesmen to implement desired policies - even if they are wrong, violent, and oppressive - in society. Meanwhile, the simultaneous action of the populists was the plan of "discourse to protect the society against criminals". (Farjiha, Mohammad, 1390, 252) This discourse became one of the main goals of criminal justice institutions from the early 1990s. Of course, the goal of protecting society is not a new phenomenon and has always been a constant concern in criminal policy. Despite this, especially the populists, with the maximum amount of instrumental use of this discourse, took control and management of the society. In the new approach, the moral and clinical aspects of crime are not the least important, but the risk of crime and criminality, as an undeniable social reality, is important. (Kashfi Ismailzadeh, Hassan, 1391, 178) This strict attitude is especially evident in the assumption of security-oriented policies and police actions, and it is the basis of police interaction with people (citizens). (Najafi Abrandabadi, Ali Hossein, 1391, 73)

#### **4-2. Evaluation of police circuit security models**

To examine the category of police security from the perspective of human rights and citizenship rights, it is first necessary to clarify the boundary between human rights and citizenship rights because they usually think of the two as the

same thing, but a distinction should be made between them. In this regard, it can be said that a "citizen" has rights and obligations due to being a member of a political unit called the government; In this way, citizenship is a citizen's dependence on a political system and citizenship rights are a set of rights and privileges that a citizen benefit from because of the citizenship of a government and political system; Therefore, citizenship imply a political relationship based on the citizenship of the citizen from the respective government and "citizenship rights", the privileges arising from this political relationship are for the benefit of the citizen, but human rights are the rights and privileges that humans because He is human - regardless of culture, language, ethnicity, race, gender, age, etc. - he has them. Therefore, "human rights" include universal or globalized human values that the human species enjoys. If it is said that citizenship rights have a common chapter with the concepts of "citizenship" and "nationality", then without a doubt, human rights are a transnational concept that includes comprehensive and fundamental rights, regardless of the national culture and customs of the countries. (Pour Hashemi, Seyyed Abbas,1390, 14).

A very important point is that, undoubtedly, one of the most important concerns of a legal system should be the issue of "freedoms". In light of this progressive thought, today, the new fundamental rights and loyal to the value of freedoms try to balance the power in the society and thus, do not subject the entire society to the rule of the government, and in this way, a territory to It officially recognizes the name "private privacy" with all its requirements. "Privacy" is one of the important topics of contemporary human rights. These words are a concept that includes the sovereignty and influence of humans over their rights and freedoms, and this area of authority is protected from the reach of others. At the same time, authoritarian governments, through the exercise of their right to rule, always monitor issues related to privacy and try to determine its scope; For this reason, they usually do not adhere to a specific and fixed definition of privacy, so that in necessary cases, they have wide powers to penetrate the private privacy of individuals. (Rostami Tabrizi, Lamia, 2013, 32).

## **Conclusion**

From the results of the contents and topics raised in this research, it is possible to reach some conclusions:

- 1- Securityism in governance policies and strategies, especially in police actions and activities, also has some components; These components can be studied in the form of active and reactive components; The reactive components refer to the pre-crime stage and the reactive components refer to the post-crime stage. The prominent feature of the action components is the increase of monitoring and control and the strengthening of monitoring and control

strategies through the implementation of a "risk management policy", which is especially evident in situational preventive interventions (or the position of the supervisor before the occurrence of crimes), but the purpose of The reactive components are the strategies that monitor the trial stage and deal with the committed crimes. At this stage, the judicial authorities can have the most violations in the field of individual freedoms and human rights, by exploiting the punishment tactic and other coercive tools of the criminal law, under the pretext of confronting the criminals and restoring the security and order of the society, they can Depriving the accused, suspects and criminals of many of their legal rights; For example, "proof of guilt" may easily replace "presumption of innocence" and thus, the criminal court becomes not a place to respect the defense rights of the accused, suspects and criminals, but a place to deprive them of these rights. While in a law-abiding government, the goal cannot be justified by any means, and in the field of criminal law, no tactic can be resorted to; Because this is gradually degrading the strength and dignity of the judicial system and the criminal justice system, and such a situation is the result of the victimization of criminal rights and its reduction to the level of a political tool at the disposal of the government, and as a result, the disobedience of the citizens. It has no legal limits. In the meantime, the behavioral culture of the police - as the first level of communication between the government and the citizens - is of indisputable importance. The security orientation of police policies and actions, in this situation, leads to the increase of citizens' unnecessary fear and panic, because citizens, without having the minimum level of psychological security, are always afraid of being accused by the police under pretenses. be placed

2-The theoretical discourse that governs the criminal justice system and its institutions and facilities, including the police, is moving towards security, and from this point of view, the guardians of criminal justice first resort to theoretical justifications to consolidate the idea of security in policies and actions. Then, based on their desired theoretical foundations, they will implement security-oriented strategies. Regarding the change of attitudes and approaches, two main indicators can be listed; One is the preference of security over civil rights and the other is police authoritarianism. The preference for national security and public order over citizenship rights intensified, especially since September 2001, and thus, the dominant discourse in some countries in the last decade has been based on "central security" and not "citizen rights". The predominance of the security-oriented strategy and the risk management approach has caused the emergence of important manifestations of police security, especially the "criminal repression movement". According to the new doctrine, the rulers, under the pretext of protecting security, can even ignore the rights of citizens; Because they consider security to be the highest priority. The

adoption and implementation of security-oriented policies and measures in the criminal policy gradually lead to the development and consolidation of thinking that the police, as the most obvious operational institution of the security-oriented criminal policies, is driven towards authoritarianism and thus, The organizational authority of the police is not used as a solution to establish objective and real security in the society, but as a comprehensive strategy of domination and force, to impose values and norms on people.

3-The consequence of preferring security over citizen rights and following it, the formation and consolidation of the idea of police authoritarianism, changes the patterns and methods used by this force. By dominating security-oriented understanding and security-oriented views on police policies, security-oriented strategies are also implemented by this institution. The result of the implementation of all these strategies is to conquer the atmosphere of fear and fear of the possibility of violent and oppressive police action among the citizens. In the new methods and models used by the police, the risk management approach is the main axis and basis, and based on that, the most strict and inflexible solutions are implemented to deal with crimes and restore lost security and public order to society. will come out; Among the main mechanisms among them is "penal populism" - which means prioritizing the wishes of the people over the opinions of experts on how to deal with criminals. In this policy, the criminal justice enforcers, by using the capabilities and capabilities of information tools and guiding public opinion and by providing statistics and information whose accuracy is sometimes doubted, their actions in line with the adoption and implementation of security policies. They justify the bias and make the situation appear as if all the citizens have asked them to deal with the violators of public security most severely, and in this way, even if the least attention is paid to the citizenship rights of the accused and criminals. It didn't happen either, it doesn't matter. Meanwhile, the degree of fear and insecurity of the citizens will also increase in proportion to the increase in the level of violence and strictness by the police in their interaction with the citizens. Therefore, the police resort to populist strategies, to justify coercive action to establish order and security, forming only a "garrison society" whose residents are always under surveillance and control, and the slightest wrongdoing by them, will be subjected to the most severe reprimands. In such a situation, the emergence and strengthening of the feeling of fear and insecurity will be very evident.

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