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Preventing bank offenses in Iran by considering of the United States and Switzerland

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Abstract

In this article, our goal is to introduce models of crime prevention models and after the introduction of crimes we will analyze the legal system of Iran, with the United States and Switzerland via qualitative comparative analysis. The results of the study indicated that the US legal system was the most applied preventing bank crimes Primary prevention and non-contraception are used. Also, depending on the amount of economic or financial crime they also use criminal offenses. In conclusion, anyone identifying the source of bank assets detecting and seizing assets that it knows or knows about criminal activity has been convicted.

Keywords: Bank Offenses, Crime Prevention Models, Iran.

Prevención de delitos bancarios en Irán considerando los Estados Unidos y Suiza

Resumen

En este artículo, nuestro objetivo es introducir modelos de modelos de prevención del delito y, luego de la introducción de los delitos, analizaremos el sistema legal de Irán con los Estados Unidos y Suiza mediante un análisis comparativo cualitativo. Los resultados del estudio indicaron que el sistema legal de EE. UU. Era el más aplicado para prevenir los delitos bancarios. Se utilizan la prevención primaria y la no anticoncepción. Además, dependiendo de la cantidad de delitos económicos o financieros, también utilizan delitos penales. En conclusión, cualquier persona que identifique el origen de los activos bancarios que detectan y confiscan activos que conoce o conoce sobre actividades delictivas ha sido condenado.

Palabras clave: Delitos bancarios, Modelos de prevención del delito, Irán.

1. INTRODUCTION

Banks and credit institutions play a pivotal role in the growth and prosperity of the economies of the countries. The banking industry in the country has been dramatic in recent years. One of the most important developments in the banking sector is the extensive interaction of domestic banks with international banks and organizations, the challenge against money laundering, the increasing number of banks and credit institutions, the intense competition among these institutes, the use of new banking tools and expanding activities of Electronic Banking. It is natural that, in keeping with the

developments in the banking industry, the monitoring of this industry has undergone tremendous changes and added to its importance. Given the significant impact of banks and credit institutions, the economic developing and their impact on macroeconomic variables such as liquidity growth, inflation and unemployment, the need for a change in banking supervision in order to adapt banks and credit institutions to monetary and banking policies and prevent their violation of the laws and regulations of prudential and regulatory and maintain the stability and health of the banking system and protect the interests of depositors is felt more than ever (Eshrati et al., 2008).

Prevention is one of the most important pillars of tackling economic crime, which, given the appearance of this crime in the last century, Unfortunately, so far, it has not found its true and decisive position in the legislative and social policies of societies (especially Iran). Prevention is an issue that has come to light before committing a crime, that is, at a certain stage. Of the crime, given its effects, should be relevant to the issue to make meanwhile, economic crime belongs to those crimes that have a large and widespread social impact, and the necessity of coping with it through the elements of the economic system is clear and obvious. The banking system, as the most important institution in the economic space, has a profound role in the realization of economic crime, and the choice of prevention as a pillar of dealing with it makes it more important. Due to the guarantee of economic exchanges and security in the context of banking transactions on the one hand and the growing number of bank crimes in Iran's banking system, on the other hand, while many manifestations

of corruption, such as bribery, embezzlement and ... in the system. Laws are seen as criminal offenses and with criminal responses, but with the spread of crimes in the banking system, there are inadequacies of criminal instruments. Therefore, measures that can prevent such a problem is of great importance. Hence, it will enable each society to identify and review the causes and factors affecting the occurrence of crimes in the banking system, and as a result, by adopting preventive measures and using all its capabilities, the rate of economic crime, in particular, the financial crimes committed by the bank employees in the system. Make the bank as small as possible (Parsi, 2007).

Today, banks play a vital role in the economy, governance, and even the daily lives of people. Banks in Iran and in the economic life of society have a basic and fundamental role. Iran is among the countries with the highest number of banks in the world. On the other hand, the most important economic crimes are in the Iranian banking sector. The most important economic and criminal cases of the country in recent decades have been related to crimes committed through banks. As a result, prevention of bank offenses is indispensable. The world has different models and models for preventing bank crimes, each offering a variety of strategies. The best way to predict future behavior is to investigate past behavior, in other words, with the financial information of individuals and institutions, good information is a commodity. The importance of this product after a person lacks It is known to him that a victim of financial infidelity finds out, when he finds out if he knows the point, that he did not make a decision. Often, everyone knows better than anyone else than being well-off or

illiterate. In other words, he compares with the opposite side has information that this information is not available to the other party. This feature, which is seen in many markets and prevents rational choice, economists say that information is asymmetric. Information asymmetry is one of the most important factors facilitating the prosecution of financial crimes. In other words, if the distance between information symmetry is reduced, the grounds for committing economic crimes against others are limited.

1.1. The Impact of Banks on the Economy of Countries

Banks are very powerful and influential institutions in the economies of the countries. The economic strength of banks is so much in all periods financial and economic crises start from the banking sector and are controlled by the same sector. Banks are some kind of economic institutions that are capable of creating money and liquidity. The money in the savings bank is in the hands of individuals and bank deposits, and liquidity consists of non-financial money and deposits (banks) since the volume of banknotes in the hands of the people is insignificant on liquidity, hence, more than 90% of the liquidity includes bank deposits, or in other words, created by banks. Firms that have the power to multiply the base currency of the country in the form of liquidity are obviously of great influence in the economy (Banoff & Pyle, 1983).

On the other hand, since banks are financial institutions for individuals and legal entities, individuals need to be treated appropriately to banks in order to be able to obtain banking facilities in order to improve their credit history and to be able to enjoy more and better banking facilities at higher rates. In fact, people try to behave responsibly against the banks, otherwise, their lives will be at risk. But ultimately, public trust is high on the banking system that distinguishes them. People have high confidence in banks, so that they deposit their money safely and with little concern, then the symbol of public confidence and economic stability. And if the picture happens, that is, people do not trust the banks, the instability and the economic crisis is a consequence of this because of the high power of the banks. There is a lot of supervision over the performance of banks throughout the world. Bank managers in all countries of the world. Specific precision and sensitivity are selected and approved by the supervisor. This confirmation is from two perspectives: Academic qualifications and moral attestation to the supervisor's supervisor ensure that the bank is provided by dedicated and committed professionals. It is managed and the corruptors cannot be economically vested because banks affect the entire economy of the country and any negligence in the banking system has irreparable consequences (Banoff & Pyle, 1983).

1.2. The basic features of bank crime

Unlike violent crimes, bank crimes have their own characteristics. Some features, are the mental and objective aspects and others are merely objective.

1.2.1. Low visibility

The level of visibility and the level of reporting of this category of crimes is low and, as a rule, the public thoughts is not very sensitive to them. This slight observation is caused by conventional crimes. Many victims will not be aware of their victimization. It is better for the legislator to fight Economic crimes follow a differential criminal policy. Thus, the most important reason for the outbreak of economic crime, including time lapse or prolonging the time lapse of this kind of crime is a feature of the notion of economic crime.

1.2.2. High black figure

Actual crimes in the language of criminology, for example: the number of crimes that are actually committed and the amount and- Its nature is unknown to bring about real crimes, two Self-reporting of crime and self-crime investigation. Despite various research methods, achieving the amount of economic crimes is difficult. In fact, another important feature of economic crime is that Contrary to violent crimes, the results do not immediately appear, and in some cases the criminal has seen business and trade with the victim, but the existence of a crime, whether through the removal of works, whether the manipulation of the balance sheet, by skill and resorting to equipment Hidden immaterial is not the order of the actual statistics of economically uneconomic crimes, so their black figure is the percentage of crimes that are not measurable for methodological reasons or for

measuring instruments' violations. Of course, the percentage of economic crime statistics is unknown to unofficial authorities, such as regulatory entities in companies, but they refuse to send a case to the judiciary for some reason (Stultz, 1988).

Along with this, there is another factor, and the reluctance of crime victims to report these crimes. This reluctance is usually due to two reasons: first, the perpetration of these crimes, in particular fraud, is somewhat considered to be a victim of crime, and this may be the cause of his mockery, and on the other hand, usually large commercial firms, their economic life in Hope for people. Therefore, it is well known that knowing the crime of committing a crime leads to the media becoming a subject and this will lead to the loss of public confidence in the company. So they prefer to forget the subject and not to follow it.

1.2.3. Dynamics

Economic crimes are very dynamic and quickly adapt to new market conditions. This dynamism and adaptation resulting from tools and technical means such as transportation, communications, etc., allows them to engage in international activities and become more organized. Through new technology, perpetrators fabricate documents and certificates related to obtaining unrealistic identification documents or commercial cards of the same quality as they did in the forging of banknotes. These people use the latest technologies in criminal activities, while the government and its institutions, such as the bureaucratic offices, and use this technology for a long time. This mobility and dynamism are among the most important

features of economic crime, which indicates their high capacity to adapt to political, socio-economic, legal developments, and so on. Thus, in this area, criminals act more quickly than government agencies to prosecute and prosecute.

1.2.4. Distribution of the scope of danger

Economic crimes, either directly or indirectly, by corrupting the system of economic policy will lead to violations of human rights, including the right to receive services. Indeed, perpetrators of economic crimes, by exploiting the trust and good faith in commercial relations, are detrimental to the credibility and security of parts of economic activity. Therefore, the damages are not only financially and measurable, but also some will affect human resources, such as job losses, quality of life, the environment, social insurance, etc., with impacts in the social and economic spheres. However, these structures should serve the fundamental rights of mankind (Daley, 2000).

1.3. Corruption and crimes in the banking system

A) The weakness of the risk management system

Despite numerous research and recommendations in the world and in the field of management Bank risks and the need to care for them, unfortunately, in the banking system of the country

only in the name and department, it addresses the topic of risk and management. Department of Risk Management in Banks in terms of advice and the necessary Central Bank has been created in a prestigious and non-content context, and the wings of international institutions such as the Committee In cases where content has also been given importance and action has been taken, it has not been addressed in practice. Most importantly, due to the variety of banking risks, banks traditionally (rather than advanced risk management models) have taken into account credit and liquidity risk management while neglecting the most important banking risk, operational risk. The operational risk of the most complex risks in it is an industry and its management requires efficient processes and advanced computer systems that unfortunately have been considered in the banking system, including important risks under the operational risk, the risk of money laundering, which both supervisors and banks have not been seriously concerned about. The actions taken so far are purely the rule of law, regulations and instructions have been in spite of the serious attention to their implementation (Hoover, 1933). The existence of a robust anti-money laundering system can stop many of the embezzlements and offenses in the banking system. Considering the significant amount of money available in the flow of the world's business network is dirty money, so there is a direct link between the volume of dirty money and the demand for money. A sudden increase in crime leads to an increase in money demand, that if dirty money is involved with a series of simple

money laundering operations, the flow increases, but if the dirty money comes with a series of complicated operations Tahir will reduce demand for money. This difference is due to a change in the methods of money laundering and a change in the location of the banking system towards parallel financial markets, as well as the use of non-monetary instruments and increased trade. Hence, banks that are involved in money laundering operations and money launderers can easily carry out money laundering by their means are more exposed to liquidity risk. So, that money-laundering funds in these banks are not sufficiently stable and the possibility of their simultaneous withdrawal increases liquidity risk. If money laundering laws and regulations are not properly implemented in banks, money launderers borrow large loans without credit from the banks and do not pay their facilities to the bank to secure their collateral in the possession of the bank, which has been bought and earned through dirty money. So get your dirty money Rinse the bank's credit risk significantly. It also holds down the banks' capital for a long time. Hence, considering that credit risk is one of the most important risks of banking operations, it will have an impact on the resources and costs of banks (Abrams, 1989).

B) The absence of an effective monitoring system

In the world, the mechanism for overseeing banks and financial and credit institutions and capital markets is twofold: "Integrated supervision through the central bank and supervision

by an independent supervisor other than the central bank” (Eshrati et al., 2008: 14). The extent of the application of the two methods among the countries around the world is almost equal. In our country, the mechanism for overseeing banks and credit institutions through the central bank is applied and the capital market is also a separate supervisor. Since the central bank in our country does not have the necessary independence and the debate on independence The bank has been in different circles for many years and has not come to an end, the subject of banking is confused with the supervision of banks, and the central bank has in many cases been incapable of supervising banks because of the imposition of contradictory policies. The enforcement of monetary, financial and economic regulations, and partly from the perspective of the General Assembly Apart from the proper penalties, the bank has undermined the effectiveness of central bank supervision.

C) Absence of appropriate punitive systems:

The central bank, as the supervisor of the country's banking system, may impose penalties for offending or negligent banks, which shall be proportional to the significance of the matter, irregularity or negligence, and a pool of banks Or institutions, directors and their employees, and sometimes major shareholders. In many countries, penalties for central banks or bank supervisors are very difficult and even in the area of money laundering these punishments in the negligence and

inaccuracy of a banking institution it was also very severe. Unfortunately, due to the lack of a proportional punitive system In our country's banking sector, in some cases there is a discourse among bank executives about an offense that the violation is in the best interests of the bank, and ultimately the central bank, after a long time knowing this violation, wants a simple letter from us that We will not continue to violate this and will have a lot of benefits so for The bank has been. Such reasoning and discourse show the ineffectiveness of bank penalties and the failure to comply with the Central Bank's regulatory policy package, which is sometimes approved by the Cabinet of Ministers or the Council for Money and Credit, is evidenced by some banks and credit institutes (Cameron, 2001).

D) Lack of Advanced Information Technology in the Banking System

One of the problems that makes it difficult to monitor efficiently the banking system is weakness (IT) in banks. Access to bank information or the ability to provide the required regulatory information, including problems Due to the lack of updated information technology of banks, the central bank is struggling with it every day. In recent years, managers of large banks that have been government executives have taken a lot of steps due to the relatively high cost of achieving superior technologies and the existence of sanctions in this area. It is not a big deal, however, but just the amount of the 1995 embezzlement these banks are

sufficient to update and update the information technology of the entire countries banks.

1.4. Crimes in the monetary and banking system

The unhealthy exchange of money in the community can be realized. Getting large loans with low interest rates before bail bonds Suitable activities in the monetary and banking area without obtaining permission from the Central Bank of the Islamic Republic of Iran Credit and exit cooperatives on the issue of establishing credit cooperatives, attracting cash from people with a promise. Paying profits at a certain source, transferring attracted funds to non-portfolio entities Credit unions and, in other words, money laundering, and the loss of the source and the mob of capital attracted by people, examples It highlights a variety of monetary and banking crimes.

1.5. Prevention of monetary crimes

And the bank will increase the confidence of people and criminals in the monetary and banking system of the country, in accordance with previous laws and regulations of the new laws. The formation of specialized prosecutors who have been charged with the functions of the judiciary in the new criminal procedure law will be a major step towards preventing monetary and bank crimes and urgent

crimes related to money laundering, currency, securities, insurance and bank litigation.

1.6. Prevention of economic crimes in the monetary and banking system

Prevention of economic crime, above all, depends on understanding the legal status of these crimes in a criminal policy system on the one hand and the possibility of taking preventive measures against them on the other. In order to prevent economic crimes, it is impossible to completely eliminate criminal behavior, but the acceptable goal in this regard can be to reduce the crime rate, which in the case of the abovementioned crimes, this rate or threshold, is related to the stability of the system. Therefore, maintaining the stability and durability of the system imposes measures. One of the common divisions of non-smoking prevention is the introduction of two types of social and precautionary prevention. Provisional prevention is a change in the circumstances in which a conventional person may commit a crime; in other words, measures that reduce the opportunities and incidents of crime, for example, the removal of a crime from crime, increasing the cost of committing a crime, making it hard committing a crime and risking it. In terms of criminology, social prevention is a crime based on an etiology of crime; that is, social prevention of crime requires acceptance of the fact that various factors play a role in the development of crime, and social factors must neutralize these criminal factors

They do. Social prevention means intervention in a social environment such as cultural, economic, political and personal social contexts such as neighborhood, family, school, etc. In other words, social prevention is about stopping and transforming the situation in a situation that leads to socialism and crime. By preventing crime, it is a permanent and permanent process by making changes and reforms in the individual and society, and seeks to bring members of society together through education, encouragement, and punishment of familiar social rules and norms. Therefore, due to the lack of social precautionary measures, resorting to precautionary measures through reduction of the target Crime and pre-criminal status are indispensable and inevitable. On the other hand, as social prevention plays a role in teaching and learning in a person's social life, precautionary prevention must be more active and widespread in order to prevent the transition from thought to criminal activity. Moreover, in the case of economic offenders, given the ability to adapt to society, high self-esteem and the ineffectiveness of social prevention to prevent crime, priority prevention is a priority. This approach leads us to focus on specific situations in which crime opportunities are provided. Prevention of the situation or the position of the economic crime, by influencing the crime situation, by adopting appropriate measures, convinces potential offenders that the cost of committing a crime they are too powerful. The difficulty of detecting economic crime on the one hand, and the lack of access to resources to discover and prosecute them, and the combination of committing these crimes with huge costs to the community, on the other hand, are important reasons for increasing preventive efforts (Clarke, 1997).

Considering that a significant amount of income from economic crimes, especially corruption and money laundering, has flowed through monetary and banking systems and enters the country's economic structure, so paying attention to the functioning of such institutions by creating a comprehensive supervisory and control system for them in The format of institutions reporting the credibility and accuracy of this system can be considered an important preventive factor. By monitoring, there is always a risk of breaking the violation. In general, it may be concluded that there is a pre-emptive effect and the risk of a correlation. The prerequisite for the soundness of an economic system is the existence of financial transparency in various aspects, especially transparency in government operations, since these crimes are comparable to ordinary crimes in Environments where ambiguity and lack of transparency prevail. Committed. Transparency is one of the examples of preventive strategies for effective crime control, which prevents people from violating law and preventing economic progress (Clarke, 1983).

In the economic perspective, transparency means the true and all-inclusive information in the field of economic activity and the clarity of the mechanisms governing economic relations, namely the production and distribution of wealth in society. Transparency in addition to Informing through the mass media and the press, including information from the proper functioning of the economic mechanisms of the price mechanism, which, in the competitive market system, provides accurate and accurate information about the state of scarcity of resources to producers and consumers and to them in rational

decision making and allocation Provides optimal resources. It is safe to say that the most important factor of the situation is corruption, lack of transparency and weakness in its creation. Transparency and oversight are two things that come to fruition in public affairs and private affairs with credibility reporting institutes, and this is an effective preventive measure in the field of reducing economic crime. Among the laws that can be considered in the field of monetary and banking crimes, one can consider the monetary and bank law of the country, the law on combating the financing of terrorism, the anti-money laundering law, the law on non-interest-bearing bank operations, the law on the special privileges of banks to unauthorized institutions , The law on aggravating the punishment of perpetrators of misconduct, embezzlement and scams, the title of studying illegitimate property in the country's monetary and banking system. The Anti-Smuggling Act can also be used.

One of the most important monetary and banking crimes to be noted is money laundering. Money crimes are included of economic, but in a specific and determined way related to the issue of money crimes, such as currency, stock, insurance and items related taxes, including monetary and banking offenses, which can be included in monetary and banking crimes. Receiving large and small loans through fake documents, obtaining credit and opening letters of credit against documents of import and export, using credits received outside the place of approval, fraud in stock transactions, collusion and coercion in the exchange of currency in currency exchanges, buying and selling foreign currency without Authorization of the central bank, the

formation and establishment of a bank or credit institution, or a cooperative of finance and money without the permission of the central bank, as well as the transfer of bank capital and authorized credit institutions under the supervision of the central bank, called third parties, are one of the most significant monetary and bank crimes that can be appealed to the prosecutor's office. Special for dealing with money and banking crimes.

1.7. Crime prevention in the banking system

In preventive criminology, prevention means using various techniques to prevent crime, and the goal is to prevent crime and outgrow crime, lowering the likelihood of a crime without threatening punishment or enforcing it. Prevention can be considered as one of the key strategies in the field of social control, which includes a set of direct and indirect strategies designed to create barriers to crime and distortion. Criminal investigators believe that crime prevention is a kind of tool or items which is used by government and civil society to contain crime. Others argue that crime prevention involves measures and items that reduce crime rates. Some also emphasize that the prevention of any criminal policy is a policy whose ultimate goal is to reduce the probability of a crime, difficult or impossible, without resorting to a particular criminal offense. Gessen, The French criminologist, has considered four criteria for the prevention:

1. A pre-emptive action is deemed to be the primary objective of ensuring the prevention of crime or crime diversion, that is to say, effective action against the agents or processes involved in the crime and the diversion plays a decisive and decisive role.

2. Precautionary measures or actions which have a collective role, for example the target audience, the whole population or group or a certain part of it.

3. When it comes avoiding criminal or distracting conduct, precautionary measures or actions are to be imposed before and after the commission of a criminal offense, whether or not they are committed.

4. Finally, if prevention involves taking measures or measures before committing any criminal offense or before choosing each behavior is distracting, in that case, these measures or actions cannot be directly violent and oppressive, because the practice of criminal repression requires that a crime has already been committed. Prevention of crime among criminologists is defined in a straightforward and narrow manner (general and specific), prevention in the broad sense of the term includes those measures that prevent the commission of crime; thus, every criminal act (reaction) (or Non-criminal (action) (in accordance with this definition falls within the scope of crime prevention; but the narrow concept includes a set of non-criminal measures (measures) aimed at combating crime through reducing or

eliminating criminal causes, and also affecting Pre-criminal situations are such that it is possible to use the mechanisms of the secretary on the personality of the individuals and the situations before committing the crime. These precautionary measures (the concept of precautionary prevention) seriously initiated by the flagship of the real or probation school, for example, (Enriquephri), was separated from preventive action (criminal). Consequently, prevention is generally carried out in two ways: criminal (retaliatory) (non-criminal) (non-criminally) non-violent, action-oriented (criminal) intervention of criminal justice institutions after committing a crime to reduce repeat offenses, and the purpose of crime prevention In the strict sense of the word (concept) Narrowing (the same as non-custodial prevention).

1.8. TYPES OF BANKRUPTCY PREVENTION MODELS

A) Criminal Prevention: Criminal prevention, based on a general definition of prevention, can be considered as one of the prevention methods (a view that is less accepted by criminologists) through its punishment and its intimidating and deterrent characteristics, on the one hand, The perpetrator can eliminate the possibility of repeating the crime, and on the other hand, emphasizing on the features of the punishment of intent, reduces the incentive for potential offenders to commit a crime. Prevention is one of the basic concepts in criminal prevention,

which means that penalties must be imposed in a manner In addition to the key concepts of punishment and deterrence, urgency and precision Recognizing, pursuing and arresting is also of great importance in criminal prevention. In fact, as in the case of positioning prevention here, the basic assumption is that the offender is accountable. The prosecution and punishment must be such that the perpetrator confesses to the result that the benefits the risk of committing a crime is very high because of the severity, accuracy, and speed of the criminal response. The high risk factor can be a factor in preventing the offender from taking advantage of the potential benefits of another scale. Criminologists have different characteristics for certain precautionary measures and repression. Criminal prevention, but in terms of having a common goal between preventive measures And repression, which is the same as preventing crime, and that the emergence of specific preventive measures sometimes entails patience and the passage of time and is not possible immediately and in the short term, repression, especially in bank crimes among Modern societies have become more prominent. The scope of bank crime and the use of this type of prevention are vast. In the legal system of Iran, the United States and Switzerland also attach importance to this prevention. In the United States, bank litigators are expelled from the workforce at the first stage. And the second they are banned from economic activity. In Swiss law, penalties are also appropriate for the amount of the crime. So that they are not only deprived of economic and financial activities, but also other heavy

punishments, including imprisonment. The idea of preventing crime through resorting to punishment or social reaction has evolved over time. But it still maintains clear boundaries with crime prevention in its narrow sense, which is non-criminal prevention methods. The meaning of criminal measures is the total amount of means used by the community to fight crime; and, traditionally, there are no other types of reaction in societies other than punitive measures. But contemporary developments, in addition to designing preventive measures, have had a serious impact on the type and effectiveness of punishment in the prevention of crime. And even transforming the criteria of prudence on specific issues. It should not be forgotten that in order to achieve preventive goals, both criminal and non-criminal, the general and, at the same time, comprehensive, and the role of each of the main sections of the criminal justice system has been accurately identified.

B) Non-contractual prevention: non-custodial prevention (action) is to prevent the criminal act from being committed by changing the circumstances and circumstances in which a series of similar crimes have occurred or may be committed in those circumstances. Ghassan defines non-criminal prevention as a set of criminal policy measures, with the exception of routine measures during the intervention of the criminal system, whose sole or minimal purpose is to limit the possibility of a set of criminal acts occurring through the impossibility, difficulty or reduction of their probability is. In other words, non-custodial

prevention involves non-violent actions of an economic, cultural, social nature, etc., in order to promote socialization and promotion of the rule of law, and ultimately lead to the avoidance of interference with the criminal justice system and resort to repressive measures Which will have significant financial and human costs for the government, the perpetrator and his family. Thus, preventive action involves those non-criminal measures that, prior to committing a crime and passing from thought to verb, are divided through intervention in pre-criminal circumstances and conditional situations (situation position), which are in fact from the most common prevention categories. It is a crime, or in other words, a kind of prevention that takes place before a crime is committed, that is to resort to non-violent and non-violent acts of an economic, cultural, social, Educational and... In order to become sociable and law-abiding people and protect crime targets to prevent crime. In the criminal justice system of the United States, this type of prevention is relevant to financial and banking offenses that do not have an impact on the size of the community. It means that people are deprived of access to government funds and the use of citizens' rights and benefits. In the legal system of Switzerland, all those who commit a low crime in the banking system are deprived of the benefits of citizenship rights. Their activities are also limited and the relationship with other companies and institutions is monitored. In Iran's legal system, there has been a mass crime, both small and large, and a punishment according to legal rules.

C) Prevention of bank crimes through Corporate

Governance in Banks: Corporate Governance is a specialized and interdisciplinary term that emerged in the nineties, with the primary objective of reducing the risk of agency through increased oversight of managers' actions and the promotion of quality and quantity Information published by companies. Given that today's bank is an extremely important financial and economic entity, the lack of effective regulatory systems can provide a platform for abuse and misconduct, often with serious consequences on the level National and international? The implementation of corporate governance regulations in banks is of paramount importance there is a very specific wit. Basically, corporate governance in the bank encompasses all the laws and regulations of management mechanisms and accounting and auditing processes, which paves the way for achieving four main goals (accountability for transparency and respect for the rights of the stakeholders) and, in the meantime, Creating a transparent and reliable structure in the bank minimizes the probability of occurrence of all types of violations and crimes in it.

D) Initial or primary prevention: This prevention involves creating environments and general communities in relation to the potential risks of crime, before the crime has been established. The goal at this level of prevention, improving conditions for non-offending individuals and it also produces values that improve healthy relationships. In the initial

prevention, more attention is paid to the crime event than to the incitement of the offender. Primary prevention is to protect individuals from fighting all crime grounds that are within the framework of social development. At this stage of prevention, people are trying not to commit crime. At this stage, it is anticipated that measures will be taken to limit access of individuals to the banking network. Consequently, the control templates provided have the effect of disrupting the criminal situation, and the measures that are in place prevent the entry of persons with fake identity and provide the Bank with complete information about the identification of individuals. The first step is to authenticate individuals in the banks on how to authenticate and control the documents. In the legal system of all three countries, they have developed a brochure in their banks and institutions. And the duties and authority of individuals are determined. And it is specified in those areas of crime.

E) Secondary Prevention: Secondary Prevention involves taking actions for individuals or environments that have been identified as being at risk of delinquency due to some tendencies and characteristics, or, in other words, using methods to protect people at risk. In this type of prevention, the aim is to prevent the occurrence of crime by the use of appropriate and early measures by people who are in critical condition and likely to be victimized by them. Given the intervention in this type of prevention in hazardous situations and the situations in which a person is at the brink of crime, the ultimate goal of this type of

prevention is to identify the location and situation that plays an active role in providing the crime scene, causing is restrained. The measures envisaged in the guidelines indicate the importance of this preventive model, which is mainly a control and deterrent to cases where there is a risk of money laundering. Typically, financial institutions must be more likely to be involved in money laundering or terrorist financing than in order to ensure that bank accounts are active and whether the account holder is alive or where changes have been made in the customer's situation. Information on time periods: 2 months. Credit institutions should also refrain from interacting with bank banks and foreign banks that are in violation of the rules and do not have money laundering rules in parallel with their brokerage relationships with other foreign banks.

F) Third, third-party prevention: This kind of prevention is a crime reform, and it is possible to prevent criminals, offenders or crime centers from repeat offending, and includes programs such as: counseling for clients And employees, criminal interventions and various groups. Processing efforts at this stage are to prevent criminal behavior so that criminals can adapt and adapt to their social environment and refrain from committing crime. The third prevention is the result of a detection and diagnosis operation Police operations to arrest a convict, imprisonment or conviction and behavioral reform straw. Financial institutions must, with the monitoring of operations and transactions, identify the persons suspected of money

laundering whose names are declared by the Financial Intelligence Unit or the Central Bank, with the bank's software, each month: one month, the anticipated announcement of a warning in the soft activities of these persons Central Bank report. In addition, in cases where, after the death of a person, there is a general lawyer for the affairs of a person, or if the account holder is identified, the transaction exceeds the amount of the prescribed amount, or while the foreign political entities withdraw from the banking service, the degree The Central Bank and the Financial Information Unit are reported.

G) Conditional prevention: precautionary prevention is a form of non-punitive or preventive prevention or crime-taking measures that emphasize the status, location, time, and place of crime. This type of prevention in the late 1970s, as a new strategy for the prevention of Delinquency and as a successor to social prevention, which some criminologists did not deserve a good track record, were largely introduced in the United States and the United Kingdom. Some crime analysts see the status of prevention as a set of measures that focus on specific forms of Crime by adopting measures such as design management or emergency intervention in a targeted and permanent manner. Which, as far as possible, reduce the opportunities and opportunities of crime and increase the risks of it by a wide range of delinquents, oblique and objective. In general, this kind of prevention is defined as preventive action, and its purpose is directed. The circumstances in which crimes may occur in that

situation is to adopt a procedure that would bring the cost of committing a criminal offense to commit more than its profit, since, in terms of advocates of human pre-emptive action, human beings are an inventor of the calculus and their profit and loss are measured.

1.9. Preventing Bank Offenses in the US and Swiss Legal System

Banking operations are prohibited by natural or legal persons in the US legal system under any heading, and the establishment of and registration of any association for banking operations without obtaining a license from the Central Bank is prohibited. Banking operations in this law provide for mediation between suppliers and applicants for funds and credits in the form of receiving funds, deposits, deposits and other similar items under each heading, and lending, credit and other facilities and Issuing electronic payment cards and credit cards. In the United States, there are a number of regulations that apply to various types of money laundering. According to these regulations, any person who originates assets that conceals the proceeds of crime against property or other criminal offenses will make money laundering. The same applies to any person who knowingly owns, sells, invests, manages, operates or transfers to a third party for any of these assets. These regulations several criminal offenses are raised as a major crime for money laundering. In the legal system of the United States, all assets of legal and legal entities,

companies and organizations are monitored by the Central Bank. Considering the type of economic activity of the people, the concept of its withdrawal is defined in the banking system. If there is a crime in the banking sector, all bank personnel should be accountable.

In the US legal system, primary prevention and non-payment are used to prevent bank crimes. They also use criminal offenses based on the amount of economic or financial crime. Some of the virtual banks that do not have a physical presence and are not part of a regular financial group are the main sources of crime. These banks operate privately and are affiliated with large companies and investment firms. During the last decade, many changes have taken place in the American banking system, one of which is the domination of all private and private banks under the supervision of the Treasury. In this way, the control of all activities of the bank under the supervision of the treasury and the abuse of influential people in the banking system is prevented.

According to the current criminal law of Switzerland, anyone identifying the source of bank assets detecting and seizing assets that it knows or knows about criminal activity has been convicted. In Swiss law, this criminal activity involves many serious crimes such as bank fraud, bribery, and money laundering. The crime of committing a banking system in the Swiss legal system will be punishable. Even if the offense was committed abroad, provided that the circumstances of the offense constitute a criminal offense under Swiss and foreign law. Switzerland's Criminal Code accepts, trusteeship to help an investor or

transfer third party funds by intermediaries they are financially aware of the fact that they have been identified as being the main owner, despite the warning badge. At present, Swiss banks and monetary and credit institutions are monitored under the supervision of the Central Bank and the Central Bank of the Central Bank. All accounts of real and legal persons and owners of companies are controlled by bank supervisors. If a crime occurs in the banking system by legal persons. In Switzerland, primary and secondary prevention and non-refoulement prevention and punitive measures, as well as other countries to prevent bank crimes, are used in Switzerland. How to prevent bank crimes in Switzerland; in the following cases, each customer must identify himself: 1. To establish a permanent business relationship with the financial institution, usually by opening a savings account. In order to conduct a transaction of value - EUR 15,000 or more outside of a permanent business relationship for depositing or paying savings, if the amount deposited or paid is EUR 15,000 or more. In this case, if a person is suspected of money laundering or terrorist financing, or if there is any doubt about the person's identification information previously obtained, his identification will be done using an official photo ID. If a client is a legal entity or organization, in addition to verifying the identity of the agent, proof of the agency's authority and identity of the person or entity provided must also be provided (Eshrati et al., 2008).

1.10. Central Bank Supervision to Prevent Money Laundering

Central Bank Supervision In the prevention of money laundering, the Central Bank of the Islamic Republic of Iran is obliged to the activities of banks and their alignment with the legal guidelines and core standards of full oversight. From this under Regulations, Banking Licenses and Anti Money Laundering and Supervision of Banks and Credit Institutions, two offices. The opinion of the Central Bank Supervisory Board is also working on a guarantee of the violation of the regulatory requirements of the Central Bank in article 44 of the monetary and banking law of the country and note 2 of Article 96 of the law of the fifth program are specified: Payment and conviction of offenders active in the area of professional competence, cancellation of a license, fines. Preventive measures

The central bank can be summed up in three stages:

(A) General information on all laws, regulations, directives and directives relating to

Money laundering.

(B) Reviewing the conditions of credit institutions at the time of establishment. Therefore, the owners of such institutions should not have a record of effective criminal conviction, bank debt, tax returns, and also must have documentation of the source of the initial capital (four thousand billion Rials). In addition to good reputation, the members of the board should have the required undergraduate and specialized qualifications.

(C) Supervise the activities of credit institutions after obtaining a license and during their activities. The Bank's central inspectors will, in their entirety, assess the implementation of anti-money laundering and anti-money laundering attitudes in credit institutions and ensure their internal audit. Note 4 from Article 1 of the Law on the Adjustment of the Non-Governmental Market of Natural or Legal Persons... Who are engaged in banking operations if they are successful in acquiring a business license... According to the Central Bank of the Islamic Republic of Iran, they will not be entitled to work. The offenders will be sentenced to six months in prison if the bank complains about it through qualified judiciary authorities. It is prohibited from Article 42 of the monetary law and (b) the Bank's clause to establish a bank and to engage in banking without complying with the provisions of this law and the use of bank names in the name of credit institutions. The sentenced person will be sentenced to six months in prison and, if requested, the prosecutor may, at the request of the Central Bank of the Islamic Republic of Iran temporarily orders the closure of the institute until its final settlement by the court. The prosecution in the above cases is subject to a complaint from the Central Bank of the Islamic Republic of Iran.

2. CONCLUSION

The economic and banking crimes are complex and technical, they are committed in the business and commercial and business

packages that are difficult to disclose, and the perpetrators of these crimes are well-versed with high intelligence and familiarity with the laws and regulations with the centers of wealth and power of the country. On the other hand, these crimes have not been clearly identified; in the first place, they do not provoke public opinion. Thus, the fight against them requires the existence of independent, powerful and expert institutions that are inseparable. The monetary and banking system, which is the most important system affecting the economic system, has a monopoly responsibility in the prevention of money laundering, and since the success of the banking system in directing the prevention of such a crime is directly related to the health of the economic system, most of the banking system of countries have paid special attention to this crime. In this paper, three preventive strategies in the current banking system of Iran were reviewed and classified. The first strategy is central and external control through the central bank, which is a pre-emptive approach to overcoming pre-delinquency situations and removing and limiting crime factors to reduce crime opportunities. Second solution is

The use of banking systems in such a way that it is possible to track regulatory oversight of technology in suspected money laundering transactions. The last precautionary approach is to adopt measures and regulations and notify them to the appropriate banking system through the adoption of a crime directive. Although these licensing laws and regulations provide the necessary measures for money laundering, it cannot be argued that the banking system of the country enjoys all the capabilities available to prevent money

laundering. Today, due to the link between economic crime and other forms of crime, in particular organized crime, the stability and security of societies, the values of democracy, moral values and justice are endangered, and undoubtedly, in the long term, sustainable development and the rule of law risked. So this crime, no longer is not an internal matter, but a transnational phenomenon that affects all societies and economies. According to the current criminal law of Switzerland, anyone identifying the source of bank assets detecting and seizing assets that it knows or knows about criminal activity has been convicted. In Swiss law, this criminal activity involves many serious crimes such as bank fraud, bribery, and money laundering. The crime of committing a banking system in the Swiss legal system will be punishable. Even if the main offense was committed abroad, provided that the circumstances of the offense constitute a criminal offense under Swiss law and foreign law.

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