

Ethical- social considerations Trapping Police in narcotic Crimes in the perspective of criminal psychology

Mehdi Hariri^{1*}

1. Department of Law, Payam-e Noor University, Tehran, IRAN

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Abstract

Purpose: The complexity of drug crimes and the educational problems and the proof of these crimes, due to its harmful effects on society, has led to the adoption of livestock in defense of the community. the perpetrator's personality can be effective in committing a crime, it should be taken into account that trapping will act in the face of an offender who is suffering from mental disorders, since trapping operations may be carried out depending on the person's organization committed with Ease or greed more, in addition, the person committed the crime can facilitate the discussion of the issues and the ways in which it is applied. The main objective of this study is to investigate ethical considerations and the legal status of police trafficking in detecting drug offenses. **Methodology:** The present research is a descriptive-analytical in terms of the purpose-oriented problem-oriented research, in terms of the method of collecting information in a documentary and library way. **Findings:** About the role of the police as general judiciary in proving drug crimes show that, among the evidentiary evidence of crime, the police report can be of great importance as a discipline and in line with the judge's knowledge. **Conclusion:** The results showed that: that in Iranian law the main reason is the lack of livelihoods in the process of discovery of crimes due to contradiction with the constitution and ethical and religious conflicts. Therefore, its admission is limited and limited, and obtaining the necessary permissions Judicial authority is possible.

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* Corresponding Author e-mail: mehdihariri18@yahoo.com

1. Introduction

The discovery and disclosure of crime is often accompanied by the spread of news, which, due to the frequent publication of its news, will lead to a general weakness of the crime. The danger of the "normalization" of crime is, in addition to the unwinding of the "sense of security", in society and the prevalence of fear of crime-which is based on the possibility of the victim of any citizenship-is unobtrusive and neglected (Sadeghi, 1999). Maintenance of order and comfort, and public order in any society, are the duties of government and government. This has been handed over to police in many countries. In our country, this duty has been delegated to the police by virtue of Article 3 and paragraphs 1 and 2 of article 4 of the Law on the Establishment of the NAJA (passed on 12 July 16, 1669) "D" and "h" of Article 8, Article 4, referred to two issues of crime prevention and detection as the most important duties of the police force (Mohseni, 2005).

2. literature Review

The police for success in preserving Security should focus on crime discovery and prevention. But due to the complexity of the crimes, and the increase in the intelligence and integrity of the perpetrators of crime, especially the perpetrators and repeat offenders, and the huge profits of some of them, led to their organization, and the perpetrators commit Crimes are internationally. Therefore, these crimes go beyond the boundaries of a country and endanger the national security and social order, and the international image of a country. These reasons increase the importance and the sensitivity of the subject, and Judicial and law enforcement officials face difficulties and difficulties in the performance of their duties and in the fight against such crimes, because the traditional and moderate evidence that they employ is the ability to deal with such crimes and the criminals, because of the complexity and intelligence of the perpetrators and trans nationality, and they do not. And on the other hand, the existence of some crimes without a criminal offense, such as the production and distribution of narcotics, etc., which their offenders are consenting to, and their actions are also a crime, or because of Fear of their lives and property and their pride and their neighbors, and that most drug offenses are often carried out secretly, which makes them never reported, so finding and proving such crimes is very difficult. And the lack of certainty and certainty of punishment will lead to their fungal growth for the perpetrators of these crimes and the profusion of these crimes (Elham and Golduzian, 2013).

Regarding the use of these achievements and methods for detecting drug offenses by the police, the issue of legitimacy, illegitimacy, credibility and the position of the police and judicial authorities, and their limitations are always discussed. Although there is always a common objective in detecting crime, that is, the integration of citizenship rights with what is useful and effective in criminal justice. Which creates conflicts, which is the main reason for the importance and importance of this research, since this research can resolve existing legal uncertainties in this regard, and make suggestions for those who administer justice. Provides penalties. Criminal psychology, as a branch of criminology of effective psychosocial factors, takes into account the occurrence of a crime, from this perspective, it has committed drug crimes, in its personality organization has been suffering from disruption and disorder, which naturally According to the factors mentioned above, livestock operations will produce different results for them. (Ibid).

The innovations of this study are to investigate the credibility of the police report, and the value of the evidentiary evidence of trafficking in drug trafficking and trapping, in detecting drug offenses, according to the personality. In the present study, the importance and necessity of research in order to explain the legal status of trapping the police in narcotic crimes is necessary in terms of the criminal psychology of the country, because in the case of police trapping, there are many ambiguities in proving drug offenses that, if not addressed These police uncertainties, as general ties to the judiciary, are uncertain about the livelihoods process in proving drug offenses, and this creates special problems for the law enforcement agency.

In this research, the main purpose of the research is to determine the trapping of the police in drug crimes from the perspective of criminal psychology, and the sub goals including the determination of the value of the justice of the defendants in the evidence of crime and the determination of the role of the judiciary in proving Drug crimes.

The main question: What are the traps of drug trafficking in drug crimes against the perpetrator in terms of criminal psychology? Sub-questions: What role do police, as general law enforcement agents, in proving drug offenses? The history of research on livestock farming, despite the lack of investigation in the laws of the subject, has been investigated.

3. Methodology

The present research is a descriptive-analytical in terms of the purpose-oriented problem-oriented research, in terms of the method of collecting information in a documentary and library way.

4. Finding

Ethical and legal grounds justify cattle breeding: Detection of crime by means of animal breeding, in addition to contradicting public order, religious and moral standards, and the restriction of citizenship rights, and in some cases due to the maintenance of public rights, and maintaining the security of the country and the extent and organization of crimes in the implementation of the rule of law It is inevitable, and its justifying grounds are important from the two perspectives of the need to preserve community rights and national security(Source: The researcher's opinion).

The need to preserve community rights: Individuals, by accepting life in society, find a kind of implicit commitment to society and government, including the adoption of norms and laws of society, and the payment of taxes, etc., and in front of the society represented by it, it is the responsibility of the state, duties such as the maintenance of rights And social security of the people. Given that drug crimes are often organized and transnational, they pose the most harmful effects on the structure of society. These crimes, which are not secretly reported, are not reported in principle (the black culprit of community delinquency increases), so the discovery and study of the reason for these crimes is very difficult, so to protect the rights of the community, and to enforce the more important rule Trapping operations are justified (Source: The researcher's opinion).

The need to preserve national security: Today, drug trafficking, due to its huge profits, is of particular complexity, and is often organized and transnational. The occurrence of crimes committed abroad by Iranian smugglers destroys the reputation and prestige of the country internationally, and could jeopardize the interests of the country abroad, and may lead to the interference of foreign governments in the internal affairs and The country's decisions, which are threatened by national security and the Islamic state, are therefore necessary and necessary in order to preserve the Islamic state and the national security of these crimes, even if they are livestock-breeding arrives (Source: The researcher's opinion).

Conflicts of difficult operations in animal trapping: Harsh operations are said to be actions that police forces instigate, commit, commit, and condemn crime in the form of actions. In such operations, which are usually carried out by secret agents, the police either try to persuade their individual to commit a crime, either by showing themselves offense of committing a crime, such as buying narcotics, or by pretending to commit a crime, Obtained evidence, at the moment of committing a crime, would cause the person to be convicted. This hard-line operation, which applies more to crimes without a victim, has moral, legal, and religious conflicts. In this kind of operation, the police, instead of detecting a crime, commit crime, and, in contrast to the principle of non-inquiry and suspicion, which is emphasized by the principles underlined. In contrast, the maintenance of community security and the expediency of the system, which endangers the

freedom of these criminals, prescribes such an operation. But this general prescription, tough operations, sometimes goes away from its main purpose, which is to provide the opportunity to commit a crime, to arrest professional perpetrators, and to bring about the realization of livestock breeding (Elham and Golduzian, 2013: 110).

1) Ethical and social conflicts: Harsh operations are unpleasant to the police in different ways; agents who interfere in trapping are incapable of performing their usual tasks. The hidden secrets of the nature of such actions increase the likelihood of corruption; the police officer can pretend to do law, when in fact he is in the use of his close cooperation with the perpetrators, to take bribes from them, so that his eyes In the future, even an officer who acts like an offender may also be a double agent. In addition, the effectiveness of police work depends to a great extent on the opinion of the people of the community and their cooperation with the police, so that police actions must be fair and legitimate in order to encourage the support of the community, which does not have such characteristics (Naji Zavareh, 2003, p. 157).

2) Shari'ah conflicts (victimization): Contrary to the rights of other countries that seek to detect and prosecute offenders, concealment and concealment is a method that is considered as one of the features of the criminal policy of Islam (Sadeghi, 1999, p. 162).

In Islam, on the one hand, the respect and dignity of the individuals concerned, and on the other hand, the maintenance of the social system, and, to the extent that the social structure is not exposed to serious harm, is the honor of the people respected (Mohseni, 2005).

3) Conflicts of law

Animal trapping, by resorting to the rigorous actions of these acts, provokes persuasion and seduction of a person to commit a criminal act, and in fact, if it were not, there would have been no crime, therefore, it was a hard operation on the part of the agents Unlike the principles and guarantees of a fair trial (the principle of innocence is the principle of respect for human dignity and the principle of the law), it is obvious that one must perform the elements (legal-material-psychological) with the consent and willingness of the soul, and In the process of criminal responsibility, no suspicion of conviction has been accused.

The status of the proof of drug crimes, in the legal system of the country, and the role of the judiciary:

The process of primacy of conviction, on the principle of innocence: The principle of adultery is in effect from the point of view of the intellect of the source of the matter, and it has a significant bearing on the crimes committed. Given the advances in modern science and the prevalence of narcotics, the methods of detecting crimes and proving them are accompanied by a lot of erosion, Providing and justifying the reason for the prosecution to the accused, and the priority of the guilty plea will be abandoned on the principle. The reasons for this may be, such as the preference of the public interest, the complexity of the crimes in question, and the environmental factors affecting these crimes (Source: The researcher's opinion).

The value of the credit report of the defendants of the judiciary, in proving crimes: Police are one of the institutions in every criminal justice system that works to combat crime. The community and the government have given the police and prosecuting authority's wide and varied powers to properly carry out these duties. However, various criminal systems have tried to create controls, in addition to empowering the police, to monitor their behavior. The principle of "discrediting evidence from illegal methods" is considered as one of the most important and effective solutions in the domestic regulations of the countries, and international documents of the partners who, through unlawful, unconventional and unjustified reasons, have collected the reasons., And have submitted to the judicial authority. According to this rule, if the agents of the criminal justice system, including the defendants, have not complied with the legal requirements in the compilation of evidence, and violated the rights of the accused, the judge may ignore the collected evidence and issue a ruling to invalidate them. (Fallah, 2012, p. 138).

Pursuant to Article 36 of the Criminal Procedure Code, passed in 2013, it states: "The report of the complainants is valid only if, contrary to the circumstances and law, it is not the case, and shall be regulated

in accordance with the rules and regulations of the law". Considering that the reason for studying the reason must be legitimate and legal, otherwise the study is a reason for the lack of citation value, and there is no specific law on trapping in the rules of the law, therefore, the discovery of a crime, and the study of reason through trapping should be Authorize the judiciary.

Therefore, the report of the defendants of the judiciary, in the process of trafficking in narcotics, can, if available, be certified as a documentary by the judicial authority, which, before carrying out livestock operations, obtains permits from a competent judicial authority.

Livestock Operation Process on Drug Crimes:

(A) Trapping before the crime: Animal trapping operations in the process of detecting crime are the subject of a stage before the crime, with a rigorous operation, causes the person to be seduced and incitement, and in fact the crime is discovered. If we accept this, that livelihoods through provocation lead to the deprivation of willful conduct, we must consider the same acts of unlawful acts committed by the government as the perils of responsibility. If such instigations do not result in the exclusion of criminal liability, and there is no effect on the will that can withstand it, although it may have a minor effect on will, which is not effective (Ardebili, 1998 P. 95). Eventually, the guarantor of knowing the police in cases where he complied with legal requirements, although leading to the instigator and seduction of the buyer, is not fair and equitable.

B) Serious operations after the crime, and as a reason for studying: The hard work, because of the reason why the accused is charged, means that there has been a crime and the judicial authorities are resorting to fraudulent methods and methods to study the cause of the perpetrator, which is based on the assumption of a hard-line operation. There are a number of threats in relation to the principle of free studying reason in criminal cases: first, there are only reasons that can be submitted to the court, which are not forbidden by the legislator or judicial procedure. Second, legal grounds must be acquired through legal means. In the process of animal trapping, after drug offenses, drug offenses, which are usually extracted in hard ways, indicate the legitimacy of the reason for study, in criminal cases, and why the law should be studied and acquired in accordance with the law, and according to the principle 38 Islamic law Clause 9 of the single article of the law of respect for legitimate freedoms and the maintenance of the rights of citizenship of Two Articles 190 and 195 GH. A D K, the purpose of this allegation is inherently devoid of legal value, and the judicial authority is required to issue innocent in accordance with the principle of innocence. From the perspective of criminal psychology, we may face crimes against drug offenders as perpetrators of crime, which, from the perspective of psychology, have psychiatric disorders, including psychosis and psychosis, depending on the existence of these disorders, and with a greater impact Such an act can be outlined in the process of eliminating criminal responsibility, through incitement and arbitrariness (external religious reluctance) due to the hard work of the anti-drug commissioners. (Ashuri, 2007, p. 257).

Neutrogena (Disorders Mental): Psychosis refers to a set of mental illnesses that, due to contradictions, especially the inner contradiction of the individual, so that, I am able to find the good relations with others, and the internal balance of satisfaction It is not part (Varavai and Rezaeifard, 2016, p. 32). Psychoanalysis, like extraversion, is an important variable in the relationship between personality and crime, sometimes called stimulation (or emotional). This post-personality is the intrinsic (congenital) person's response to stressful stimuli, in general, the psychosis of intense emotional behaviors is shown in person (Sotoudeh et al., 2015, 93).

Psychosis, or disorder mental: Psychosis, or mental disorder, is said to lead to severe abnormal behaviors that a person breaks out of his environment, and it is impossible for him to be socially compatible. So far, no physiological mechanism has been found to explain its psychosocial character (Sotoudeh et al., 2015, p. 94). These kinds of diseases do not primarily affect the wisdom and mentality of man, but only weakness of man's power and his will against inward stretching and unstable self-esteem. Diseases such as nerve weakness or mental fatigue, or diseases such as nerve weakness or mental fatigue, or diseases that are periodically or

permanently affected, such as theft or the cravings of fire, are not such that It is responsible for the delinquent, because the impact of these diseases is not so great that it has completely eliminated the power from the human floor. There is no doubt that if the state of inactivity caused by the mental disorder is committed, it should be considered as an impediment to criminal liability as a sign of insanity. Those who suffer from moral madness have another fate. In them, the desire for evil that cleanses good from good works is very strong. But a weak moral sense makes it never feel regretted and not repent of their deeds (Varavai and Rezaeifard, 2016, pp. 68-67).

Ultimately, the person who uses drugs, and the drunkenness and ruthlessness of the said person, has no effect on the individual's criminal liability, except in the general sense (Article 154 of the Criminal Code). Meanwhile, a psychiatric disorder, psychiatric disorder, and other psychiatric disorders, with reference to Article 149 of the Criminal Code, have considered the perpetrators, if committed, to lack the will or ability to clean, that is, (severe disease of the brain "dementia" , Lack of growth or incomplete growth of the brain, or any disease that completely disrupts the brain, such as epilepsy. Therefore, these psychiatric disorders in accordance with the Islamic Penal Code can, in terms of the remission of punishment, in Article 38 of the Criminal Code. However, considering that psychosocial disorder and psychosis are due to the psychological nature of these individuals, which are crystallized in the personality profile of these individuals, and incite and encourage drug dealers to buy or sell narcotic drugs. It seems that the process of spiritual retribution is external and must be addressed in the reform of the Islamic Penal Code as a disincentive to the punishment (Bushehri, 2000, p. 54).

5. Discussion

1) The need for proper and well-founded criminality in relation to crimes committed by psychiatric patients, except for insanity: in the current legislative system, they explicitly consider madness as a factor in the prosecution, even if there is a crime, but For other mental disorders, including hysteria of a multiplicity of personality, no criminal offense is found in the Islamic Penal Code. Such a person has several different characters, and at the same time they are not aware of them, and they commit crimes, in the Iranian judicial system, the ultimate justification for such accusations is the remission of punishment (Varavai and Rezaeifard, 2016, 109).

2) Considering that the criminal policy of Islam, the prosecution and the prohibition of searches, is in the privacy of individuals, and trapping from the point of view of ethics is contrary to the principles of religious, legal and ethical principles, and its admission is absolutely unlawful The basic and thematic laws, including the law of citizenship law, therefore, the extension of its scope, in addition to imposing extraordinary expenses on the state, results in inefficiencies and effectiveness, and livelihoods. Therefore, the adoption of the livestock-raising process should only be carried out in the context of massive and organized threats to national security, and its public order, after coordination, and obtaining judicial authorizations. Fairness and justice are required. At the time of trapping, the perpetrators will be eligible for a general duty.

3) Trapping, and hard operations can be investigated in two stages; at the stage of crime detection, which at this stage, according to public order and national security, is capable of accepting certain conditions, but at the stage of proving crime, and studying evidence, By virtue of Article 38 of the Constitution of the Islamic Republic of Iran and Article 9 of the Law on respect for legitimate freedoms, and preserving the rights of citizens, the affirmation of the principle of the legitimacy of the education of reason is a non-worthy item in criminal matters.

4) Given that the purpose of trafficking in narcotics is the discovery of organized and transnational gangs, trafficking in drug traffickers, because there is a lot of provocation and persuasion, in many cases, deal with the real buyer and (Organized criminals) is not accepted. And as a result, it is not compatible with the

fundamentals of animal welfare, which is the defense of the rights of the community and national security, and its acceptance of the place is a problem.

5) Given the doctrines of the knowledge of criminal psychology, which considers individual psychological factors affecting crime, it is natural that in the context of livestock analysis, such rights of citizens are more at risk, than in It is analogous to those who are in good mental health, because the free will of individuals who are above is subject to mischief.

6) According to ethical considerations, in the process of detecting a crime, which generally comes from the principle of human dignity, the crime detection institution should generally be justified by legal and customary methods in a manner that is reasonable and legitimate.

Research limitations: 1) Restriction on access to domestic and foreign resources for trafficking in drug offenses. 2) Non-stipulation of criminal law, regarding the trafficking in narcotics laws, and the guarantee of its implementation.

Offers: 1) The need for comprehensive and accurate regulation, and the provision of a method for the exceptional status of livestock, as a positive evidence of drug offenses. 2) Anticipation of Criminal Offenses Guarantee, regarding the violation of the legal standards of trapping the police. 3) Training of police officers, as a general rule of the judiciary in order to justify the exceptional situation, and the special necessity of trafficking in narcotics crimes. 4) The formulation of new and effective laws, on the fair trial and the maintenance of psychological offenders, by classifying mental disorders in a home, under special care for psychiatrists

References

- Ardebili M A. (1980). General criminal law, Mizan of Scores, First Edition, 1998. P: 95.
- Bushehri J. (2000). Principles and issues, Tehran, Publication of Sahami, First Edition.
- Elham G H, Golduzian H. (2013). Analysis of the concept and conditions for the realization of trapping, with a comparative approach in American and Iranian criminal law, Criminal Law Research, 2 (4).
- Fallah A A. (2016). The amount of credibility of the Judicial Report, in Judicial Decisions, Quarterly Excellence Law, 1 (1).
- Mohseni F. (2005). Conflict of Privacy, and Freedom of Information in Iran, Legal Perspectives Quarterly, 36/37.
- Mostafavi K. (2016). The Rules of Jurisprudence, Vol. 1, Translation: Aziz Allah Fahimi, Tehran, Publishing.
- Naji Zavareh M. (2003). Rules Governing the Attraction and Arrest of Individuals in Iranian and British Penal Law, Ph.D., Tehran University, 2003. p: 157.
- Sadeghi M H. (1999). Criminal Justice Law Magazine. 1999, No. 28 and 29. p: 162.
- Sadeghi M H. (1999). Victimization, Journal of Legal Justice, Nos. 28 and 29.
- Sotoudeh H. (2011). Mirzaie, Beheshdeh and Pazand, Afsaneh, Criminal Psychology, Tehran, Print of Tasvir.
- Varavai A, Rezaeifard S. (2016). Clinical Criminology of Psychoanalysts, Tehran, Ariadad.