

Influence of parties on legislative policy, overseeing criminalization in Iranian law

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Abstract

The influence of the political structure of each country on the legislative policy governing criminalization is considered to be a fundamental issue, which requires a theoretical model to be proposed; the degree of intervention of political parties in different countries varies according to democracy, government structure, the influence of individuals and political strata in the government of that country. In the meantime, the extent and quality of the intervention of these parties in criminalization and related issues deserve to be discussed. This role has different procedures such as disciplined and undisciplined performance of members in parties. About whether this role is useful or not, it will be useful if it does not lead to inter-party conflict. The aim is to show political criminalization (street criminalization). In this research, the subject of the research has been studied by descriptive-analytical method and using the tools of collecting and analyzing library resources and applying interdisciplinary knowledge.

Key words: Parties, legislation, democracy, street criminalization.

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Introduction

Undoubtedly, there is a lot of connection and interaction between law (especially criminal law) and politics (Taheri, 2013), But it is important to what extent this interaction is and which one has the greatest impact on the other. The view is fully accepted that; "If the policy becomes legal, the fundamental rights and freedoms of the citizens will be adequately guaranteed. But catastrophe occurs when the law becomes a political tool and a means to govern." In this case, fundamental rights and freedoms lose their true meaning and are reduced to mere words without binding validity, in the face of the ruling powers. (Kashfi Ismailzadeh, 2005). Politicians pursue their interests and do not give up any weapon to achieve it; what better and more effective tool in this regard than criminalization, because they implement their plan with a demagogic reaction to the criminal events. In this sense, legal populism occurs when governments face severe financial shortages and at the same time, they resort to politically and economically low-cost actions and slogans such as criminalization. In contrast, economic populism occurs when these same governments have high financial incomes and use special propaganda programs to spend them. Today, the phenomenon of fear of crime is sometimes considered a tool in the hands of politicians to deceive the people and induce specific policies to advance political goals and objectives. Candidates in political elections try to collect votes and eliminate their political rivals by chanting election slogans. In the meantime, sometimes the fear of crime and how to deal with it can be used as a political slogan by politicians (Nikokar, Hemmatpour, 2012). A better understanding of people's attitudes toward a subject, such as the death penalty, can be gleaned from a thorough examination of existing works, with qualitative or quantitative characteristics, such as comprehensive and adequate analysis. But since this is often not done, public opinion



polls are conducted and continue to be more important as evidence to endorse politicians. Finally, it is necessary to mention that; Public assessments are often misused; the questions are posed in such a way as to ensure that they receive a specific answer from the respondents. There have been many examples of this trend in recent years [Directional Questions: Abuse of Public Opinion Survey] (Roberts, 2013).

Elections are the best means for parties to deprive society of a well-codified and long-term plan, to turn to emotional and fleeting programs, and to use the masses of people to promote their electoral votes and the other issue is related to the referendums that are seen in most political systems and we see its indiscriminate use by governments in delicate issues such as criminalization. In this way, they use their directional questions in referendums to achieve their political goals, which they see as a means to justify their weak actions. In modern societies, no one votes for a politician anymore and pay more attention to party programs by considering the lists (nominees) provided by the parties and at the same time, the category of criminalization has come out of its classic discourse and has been included in the programs of the parties.

As a result, public perceptions of crime have changed. In this regard, another factor that can be mentioned; we have seen the tendency of parties to grow criminal in the twentieth century. But it must be stated that; in the 21st century, we will see the continuation of this trend as the rightists slowly take power in Europe, the United States, and in other parts of the world, known for their democratization of law and order and this procedure shows the complexity of the issue. Another problem that needs to be addressed and is continuing is the decline in public awareness of crime and criminalization. In the meantime, political parties and groups will monitor the developments and evaluate the tricks of confronting the people, and will respond to them according to the changes expressed.

In a better sense, the parties can be compared to boiling pots, the boiling of which will result in a rich theme. In this sense, the constructive role of the parties can be depicted.

In the present study, after explaining the concept and formation of political parties, the positive and negative effects of political parties on criminalization and legislative criminal policy are discussed. Because with the changes in the fields of human life due to those different manifestations of crimes, it is expanding and therefore the awareness of the people will decrease and stricter policies will also be more favored.

The role of parties in legislation and policy-making

The influence of parties in policy-making and legislation can be assessed by measuring the political structure in each country, and the degree of cohesion of political parties within the parliament, the presence of their members in the executive and judicial organs of that country, the number of major parties in the pyramid of power in a country, and the extent to which other groups share in the power of society. The members of the parties follow a specific instruction explained by their party leaders, which they call disciplined, otherwise, they are referred to as undisciplined parties² when they apply their point of view and use rational logic to justify statements and defenses. Certainly, with an insight and an expert view, the role of parties in legislation and also in determining legislative policy can be examined. Sometimes these functions are so invisible that these roles are realized years later and we have only witnessed a populist action that has covered up issues and they turn the society's attention to the insignificant dimensions of the issues and only deal with the political party goals involved in it.

Policy-making in criminalization

² Parties are disciplined when a member of parliament votes and decides according to the party, so he or she cannot act on his or her own views. Like the British and Scandinavian parties and the undisciplined parties, the parties whose elected representatives have the right to vote and take a position in the parliament according to individual and personal preferences, such as the American parties or the parties of Latin American countries.(Ghazi, 1998).



The criminal policy is often seen as a systematic way of governing affairs and rationalizing the government's treatment of the nation, and vice versa, "policy-making is the result of how the interaction between the three components of rationality, empirical and abstract (values and beliefs) is established" (Irvanian, 2012). In the meantime, according to this definition, intelligent and expert performance fits into rational action. But in the case of empirical action, it should be borne in mind that the specific review guarantee and how to predict the performance guarantee of different performances can affect the equation and calculation of people who intend to commit a crime. But the abstract component is certainly the same as the goal of excellence in all societies, but the means of attainment are different. Beliefs and social norms in each country are formed with the tendency and following different theories and give a framework to it by selecting different schools. Policy-making should not become a duel between politicians, and at the same time, it should be simple and clear.

Certainly, politicians' perceptions of public opinion are better than anyone, now they may make mistakes and generally try to recognize and guide them. Most politicians in the House of Representatives legislate with special consideration for their constituencies, in the meantime, they demand a rational behavior for a political future, and act accordingly. Sometimes it is seen that there is a difference between legislation and policy but it cannot be so much, but it can be said that; Policy-making is done by executives and legislation by most members of parliament, and this is a relative relationship.

Security criminalization by political groups

Security or security is a two-sided interpretation that emphasizes the government's intervention in all matters so that it is beyond the law or the expectations of the citizens. Securing in the first sense; Meeting as many security demands as possible. It is as if the term liberalism or justice is used in this context, neither of which has a critical meaning.



Since "security" is a program that goes beyond the law and follows the interim demands and policies of the government, the term "politicization" can also be used; In particular, this interpretation better shows the government's involvement in the field of legislation and judiciary (Alipour, 2008). The government is the guardian of security and its foundation; now manipulate it in any way, whether disrupting the positive actions of the judiciary or influencing the implementation of the law or interpreting it in favor of its actions can be far more detrimental than endangering security by a foreign government.

Recourse to strict criminal policy and its achievements for political groups

The use of strict criminal policy is also a form of use of force and the exercise of state power, either in the form of criminalization or with the escalation of existing crimes. Various studies have been published in this field that state; strict criminalization policies may work in the short term, but they will not work well in the long run. Its consequences include inflation of criminal law, the threat to public rights and freedoms, violation of human rights, violation of human dignity, development of the criminal intervention, increased involvement of individuals (especially young people) in the criminal process, increased labeling, increased criminal costs. Most researchers agree with the above. Now, politicians no longer pay attention to these issues and only consider and emphasize their interests. Very few candidates can be found who have not mentioned crime and criminalization or have not called for criminal penalties. In the meantime, they make full use of the category of criminalization to promote their party affiliation or electoral perception and this is how they turn morality in society into a pendant to achieve their political goals.

In the 1990s, the approach of political parties was that "law and order" was an effective political tool. As a method similar to that seen in the UK, the Labor Party has traditionally, by adopting a more social sensitivity and humane approach, cut off any contact with

politicians who could be seen or could accuse them of dealing gently with the crime. In both the states of Western Australia and New South Wales, the English slogan "Strictness of crime requires strictness of the causes of crime" was adopted with greater enthusiasm. The Labor Party did everything it could to prove that it was even tougher on crime than its rival (Roberts et al., 2013: 101). Montesquieu believes; "Experienced legislators try to reduce crimes and try to prevent crimes from occurring and to teach people good morals, not to torture them and increase hardship and punishment" (Farajiha Qazvini, 1991).

It can be said that the crisis in criminal policy in any country is closely related to political, economic, social, and even civil dimensions. By addressing these dimensions by politicians, many of society's problems can be solved, or at least the volume of problems can be reduced. But with these mentioned variables, with the escalation of inter-party conflicts and also the existence of political crises such as revolutions, civil wars, etc., they increase crimes in a country. In the economic dimension, with the increase of problems in this field, we will see an increase in the scope of the crime, and now in the social dimension, work becomes specialized, and this dimension, due to its complexity, is affected by all those dimensions, and it also has its effect. Now, why do politicians not pay attention to the dimensions of criminal policy and go straight to criminalizing their positions in the election campaign? Thus, formulating macroeconomic and social plans requires high expertise and also a lot of time, If their plans fail, we will see the imposition of political damage both at the individual and party level, and the coordination of these plans with other cultural and political affairs is very delicate and will face many problems but this can be done easily in an exciting election program with the lowest psychological and political costs, etc., to get the maximum number of votes in the elections and see their party as one of the governing pillars of the country.

The role of parties in the politicization of criminal views

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Most of the motivations of politicians are to gain power, fame, and influence, and protect their party and group interests. Most of the crimes committed by them are not prosecuted due to their judicial immunity as well as their influence in the government, and if they are prosecuted, they will go unpunished. In the meantime, one cannot expect anything else from the members of the parties. The philosophy of politics does not allow it to be anything other than this. Politicians aim to gain power, and they do not resort to any tactics to shape their parties into key executive positions in the country. In the meantime, the candidate's reference to the crime statistics during the coming to power of the rival party expresses it specifically and uses it to suppress the rival party candidate in the elections; they are also aware of the weaknesses of public opinion and take full advantage of them. It has sometimes happened that these politicians have spoken on behalf of the victims after the criminal events, accusing the criminal justice system of negligence in dealing with criminals and imposing their demands on them. In such cases, we encounter an incredible increase in the level of party acceptance in the polls. Perhaps the best kind of confrontation between the parties so far is their use of criminalization. By raising these issues, we are witnessing conflicts of law with strict regularity and politics with irregular rules, and therefore, it will be difficult to distinguish this complexity.

With the rise of conservative governments led by politicians such as Reagan and Bush in the United States, Margaret Thatcher in the United Kingdom, and Brian Mulroney in Canada, these countries moved from the welfare state to the state of social control, the philosophy of punishment was fundamentally changed. The mentioned change was a change in rehabilitation towards punishment, and from the guilt of society to the guilt of the criminal, and from a rational policy to a symbolic movement (Pak Nahad, 2009). In the meantime, all the mechanisms resulting from inefficiency are expressed in the issues and the rise in crime stems from a politicized perspective on the area and the parties, in opposition to each other and by creating an emotional atmosphere, engage in "street



criminalization" and introduce it as an effective program and seek to achieve their election goals.

In Europe, leftists' ideas were about security, socialization, and the rehabilitation of criminals. That is, on the one hand, security against crime and depends on the correction of the offender, and the other hand, prevention. The opposite approach is security in the light of the executive branch of the penal system. Thus, for example, in France, whenever left-wing parties won elections, they would take steps to reform prisons; provide facilities for prisoners, and so on. In recent years, left-wing parties have also shifted their discourse to security due to their poor record of rehabilitation policy because, in terms of elections, the pro-rehabilitation and prevention discourse is no longer of interest to society and has no popular and electoral use (Najafi Aberandabadi, 2004).

Parties and their impact on the criminalization process

Parties are a cohesive form of group that works to unify and institutionalize as well as raise the level of politics and individual knowledge of its members for levels of government. The process of influencing them in criminalization is inevitable and noteworthy. This effect may be implemented and ended in the name of democracy, or politicians may express it through tools such as rhetoric, democratization, the media, and so on. In general, they create this role to exploit it. The positive side of this influence has been less seen and more of this role has been used unreasonably. It is interesting to note that in democratic societies, the many influences of parties on criminalizing its negative form have not only, not diminished over time, but have also increased in the extent and type of its application.

Public opinion and its importance for politicians

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The efficiency of public opinion has been of great importance to politicians from the past to the present. The interesting point in this regard is that with the increase of communications in societies, including the mass media or the increase in the level of higher education, etc., we still see the efficiency of law and order for politicians. It has been considered a trump card for politicians from different eras but in democratic societies, politicians have other ways to do it, like highlighting the moral and financial corruption of members of the opposition party, they lead public opinion, which is very common today in Western and even Eastern countries. In an article entitled "Social Networks and Political Participation: The Role of Social Interaction in Explaining Political Participation," McLarg explores that; How strong social media interaction influences participation in politics. He argues that; Social interactions create opportunities for individuals to gather information about politics that allows them to live beyond the limits of personal resources; As a result, it has the support of many people for political activities. Using data collected from various elections, he provides evidence that the impact of interaction on participation largely depends on the political debates that take place on social networks (Ebrahimi, 2013). The importance of social networks has multiplied with the increase of people's access to the Internet, and many even consider it as a new approach. "Virtual participation" and the ability to be highly productive, engaging, and actively participating in virtual teams are mentioned as key skills required by 2025. The important point in this regard is the active presence of parties in these networks that directly or indirectly accuse their party rivals of corruption or social and political failures in inter-party rivalries. In the meantime, during the elections, we are witnessing an increase in the activity of the parties in these networks, which seek to induce the inefficiency of the ruling party and, in the meantime, do not give up any tactics. Most portray issues such as government corruption and citizen security, such as violent



thefts, or exposing the moral scandals of politicians and using these issues to defeat a rival.

Interaction of media and parties in the field of criminalization

In any country, the media is controlled by politicians and divided between parties, and some of them present themselves as neutral, which seems a little hard to believe (Wang, 2020). Politicians will use the media when necessary, such as in the field of criminalization and escalation, to provide the utmost information so as not to lag behind their media rivals. This will be explained in more detail below.

The media coverage, which in Britain was often in favor of the Conservatives, made law and order more prominent. It should come as no surprise, then, that law and order have emerged as a favorite subject of Conservative candidates in election speeches: The insignificant figure of 87% of the demand for the implementation of this category indicates this issue. In contrast, 66 percent of Labor speeches did not address the issue and those who did so argued that crime could only be fought with the help of social reform (Quoted by Maguire et al., 2010). The important point is that; increasing the number of non-governmental organizations in general and their high activity is not in the interest of society; The reason for the rise of these institutions can be attributed to the reduction of the real efficiency of the parties and also the decrease of the people's trust in the parties. This distrust is since parties can be effective in solving deep problems such as eliminating unemployment as well as paying serious attention to cultural issues to reduce crime by presenting a plan or setting specific views for themselves and coming out of a vague environment. However, the parties are only seeking electoral interests to gain power. In this space, the institutions are present without any plan and only when crises occur, or the media try to create them as neutral movements by creating crises while this controversy

is an obstacle to the right decision of managers. The activities of these institutions alone are not enough because they have to follow a specific framework and have a coherent plan to achieve their goals; it is as if some of these civic institutions are created by parties to use them to put pressure on the ruling party when necessary.

US President George W. Bush won more than 50 percent of the vote, defeating his Democratic rival, John Kerry, by declaring war on terrorists under the Patriot Act³ after 9/11 and using media and propaganda tools. The heartache and fear and insecurity of this period were so great that it is said that in no period of the American election have people been so interested in voting. In such a way that participating in the elections and supporting the belligerent policies of George W. Bush was considered a kind of patriotism and saving the people from terrorists (Kashefi Esmailzadeh, 2005). International organizations and national governments have taken valuable steps to eliminate, weaken, and criminalize terrorism; So far, various international documents against terrorism have been ratified and signed by the international community. The Tokyo International Convention, the Hague Convention, the New York Convention, the Convention on the Prevention of Terrorist Crimes, the European Convention on Terrorism criminalizes perpetrators and provide for life imprisonment and other crimes under the law. But the important point is that its news works for the media in the face of terrorist scenes. The smallest terrorist acts anywhere in the world are spread quickly by these media, especially

³ The American Patriot Act is one of the laws that the Republicans wanted to pass and implement, which was accompanied by a wide range of legal, political, social, and other challenges. Proponents of this law consider it the best and most effective way to fight and prevent terrorism. Opponents, however, offer a variety of reasons for their claims, the most important of which is the gross violation of the various manifestations of freedoms and rights, whose mission is to protect human dignity, character and the right to privacy. Allowing unrestricted and conditional detention of immigrants, especially Muslims, unlicensed searches of their place of residence and business, physical inspection, extensive monitoring of various aspects of communication and activities of individuals, including recording of contact numbers, Listening to the content of telephone conversations, controlling e-mail addresses and their content, searching for financial records, personal and confidential information of individuals and classifying them in huge databases, video surveillance, etc. these are the examples of gross violation of privacy and human dignity of individuals (Mohseni, 2012: 195).

if the comments are from politicians, which are often analyzed by these media. In the most recent of these events in Germany, where the Chancellor advocated a policy of "open doors" to immigration policy but after a terrorist act in this country by terrorist groups, he was severely pressured by the opposing parties.

The ratio of democracy to politicians

Maurice de Varge offers a new definition of democracy: "Democratic government is the government of the people through their elected elites" (quoted by Naqibzadeh, 2015). It can be stated that the elites mean the same elites as members of the parties. Today, the elites are considered the most competent to exercise the government, so there is no problem until the worthy members of these parties in their statements in their election campaign incorrectly support non-specialized actions in the direction of criminalization. This is where the principle of democracy comes into play and seeks to justify past actions and weak plans in line with passive functions aimed at deceiving public opinion.

In justifying effective democracy, it is argued that politicians follow public opinion rather than directing public opinion. According to this view, politicians who favor stricter policies often only reflect the wishes of the people. This notion reflects effective policies that provide a legitimate basis for legislation in strict criminal policy. The question of the nature or quality of these policies may be debatable, and here questions may be raised about this view of democracy, which assumes that the actions of the state can or simply be the legislature of public opinion. Of course, the hypothesis of effective democracy evaluates the waves of public opinion in favor of severe treatment of criminals in people's reactions to experiences or their feelings about the impact of current criminal policy (Roberts et al., 2013: 113). General competence and special competence are distinct concepts. The people, if they have the necessary information, have every right to decide whether the government is running their affairs well or not. Because we relied on



competence, it must also be said that; the word is increasingly used to mean "technical competence" and has a very vague meaning. A politician's competence has nothing to do with his knowledge, and as Max Weber has shown in his research on the "scientist and politician," a politician is a person who deals with decision-making. Belief in the rule of "scientists" results in Governments will be legitimized, and technique-based ideology will take root, and the belief that our time is a period of decline for political ideologies will prevail. This belief in the rule of technocrats inwardly violates the principle of sovereignty of the people (Allen Donbova, 1993).

In the meantime, it seems remarkable that Max Weber, the great eighteenth-century scientist, referred to the fact that; the politician's knowledge does not empower him, but the politician deals with the decision. The real politician sets the framework and in this work, he needs knowledge in different sciences. In the meantime, a politician can't be an expert in all sciences, but he can have experts by his side or refer to them when needed. Now we come to the point that; Instead of directing public opinion, politicians follow public opinion, As such, our discussion is exactly here; this approach is a kind of hypocritical tactic that is abused instead of leading people to prosperity. The last point is that election rallies planned by parties should not become a place for criminalization because the inflamed atmosphere and the environment full of uncontrolled emotions are not suitable for criminalization with the sensitivities of this issue and the parties will create these spaces to hit the opposition party to win the next elections.

The approach of the parties to the occurrence of criminal situations

Parties use some criminal events for political purposes or sometimes use pressure groups and other tools to create political perceptions. In the meantime, the media and social networks are helping them with a lot of noise. It is worth mentioning that the public opinion behind the criminal situations demands strict criminal punishment or the speedy

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administration of justice in the shortest possible time. We have witnessed for many years that in every election, a kind of criminality has contributed to its fate.

In the UK, policies related to "law and order" are not very old compared to party policies on the economy, foreign affairs, defense, health, housing, and education. This policy emerged in the mid-1960s but came to the fore with the 1979 election. Thus, the long absence of this issue from the partisan political dialogue is tangible. Law and order are sensitive and fundamental political issues. It is less of a topic that can spark such heated debates. The relative separation of law and order from party politics for a long time maybe since; it has long been thought that crime, like the weather, is beyond political influence; Activities related to criminal law and justice should take a higher position. This does not mean that criminal law reform was something that parliament has long avoided addressing. But when laws are enacted, the liberal doctrine of separation of powers implies that they are enforced by the police and the judiciary. Thus, in the twentieth century, having dual trustees is not an exception, but a rule that crystallizes in issues such as crime response, policy nature, policy implementation, and the like. Even at the roots of political life, there have been few challenges to such a profound overview (Maguire et al., 2010). The main drawback of this criminal law practice is its strong influence on the emotional, emotional, and media environment of society and the lack of scientific evaluation. Scientific findings show that; these hasty measures, misunderstanding the criminal facts, in practice cannot have much effect on crime prevention. Emotional spatial governance sometimes causes the effectiveness of these measures to continue under the influence of political pressures and public demands, even in cases where the effectiveness of these measures is in doubt. (Farajih, Moghaddasi, 2014).

In Iran, the law "Amendment of the law on the punishment of persons who engage in illegal activities in the audiovisual matter" is a clear example of legislation based on criminal events in Iran. The bill was introduced and passed quickly in response to the hurt

feelings of the people after the reproduction and distribution of CDs containing pornographic images of an actor, without any opposition (Omidi, 1999). In passing the law, members of the Islamic Consultative Assembly cited that the bill was related to "national honor" and "the honor of the country and the nation" and would address "community concerns." Deputies tried to portray the perpetrators of the crimes covered by the bill by using terms such as "thugs", "shameless", "dependent", "traitor" and "adulterer" (Description of the negotiations of the Islamic Consultative Assembly, 2006). These cases are especially problematic after the occurrence of criminal events, therefore, they affect the legislation, and more so when the issues take on a religious flavor. In this case, if there is a criticism of the criminal procedure, it will be reprimanded and dismissed as "anti-religious".

Populism in criminalization

Populism is a biased view that usually manifests itself in behavior or speech, and while simple, the consequences are dire (Owen and Wagner, 2008). Populism arises from the public ignorance of current affairs and is in line with personal or group desires. Populism is associated with a series of calculated functions to guide public opinion or by highlighting certain cultural or religious beliefs that can occur emotionally and unrealistically. It is evident in all societies that the majority of people in a society are not able to understand complex legal or criminal issues and this situation occurs when the community challenges and easily violate the views of legal scholars, especially in criminal law. In this situation, politicians realize the many weaknesses among the masses of society, and by creating articulation and other effective tools, they create opportunities for themselves. In this regard, individuals can be candidates from one party or be the flag bearer of the special political front of other groups. These cases become a catastrophe when criminal justice and the sensitive science of criminalization become the electoral

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tool among parties that have long planned on their campaign performance and this performance is supposed to be fruitful for gaining votes. In the world of politics, it is not possible to speak to the people only with numbers or scientific issues and in a diplomatic tone or to say that the issue of populism has been completely removed by a country. There are many differences between populist and non-populist politicians. Many countries are involved in it and there is no guarantee that they will eliminate it in the future; As long as there are commons, there will be populism. The politician seeks to mobilize the people, and this gives him character, and this action is achieved by the excitement of the gatherings, or they follow it with other behaviors, such as being charismatic. According to sociologists, populism manifests itself when civic institutions are weakening. If the mass masses of the people are directly connected with the politicians, then populism is strengthened and they believe that this connection should be indirect by the elites so that this connection is not abused. The politician enters the realm of criminal populism when, instead of using capacities such as social, human, and cultural capital, he becomes discouraged because of their time-consuming nature, and this is where he turns to instrumental functions. We see economic populism happen when; Government revenues are high, but criminal populism occurs when it faces financial shortages and chooses the simplest way, which ultimately imposes huge costs on society. In any case, in the case of the parties, they play a key role because all the political behaviors expressed, in a democratic or semi-democratic society, originate from the parties and it is also the parties that lead it. In Australia at the state level, the position taken in recent decades has been one of a series of reforms or compromises that have been influenced by populist forces operating through the government or its opponents. In Australia, all states and territories have amended their sentencing laws at least once between 1988 and 1998. These reforms were typically announced with a loud bang, often in the excitement of the campaign and always against a storm of public outrage and media coverage. The effects of these reforms



have been significant and have increased the prison population. The beginning of this period of populism can probably be best seen in the 1998 New South Wales election, which it was, with the "War Decree" and the promise of severe punishment, the 1988 Penal Code introduced real punishments [abolition of pardons and pardons] as part of the current election campaign, which drastically increased the prison population. This law also increased the length of imprisonment under the heading of "real imprisonment" (Roberts et al., 2013). Any amount of change in the rules in short periods will prevent its effectiveness as well as its proper implementation or reduce the creation of lasting security and also cause chaos. No matter how much the criminal law changes in a short time, it will certainly take some time to prepare and explain it and the officials of a region or country will have difficulty implementing and communicating the laws to the members of that community. In addition, between 1988 and 1998, Australia suffered from this problem and suffered from it and like many other countries, the inclusion of criminality issues in the election campaign has led to an increase in the number of prisoners by imposing severe penalties, which has been caused by criminal inflation.

In the US presidential election, over and over again, we see a populism calculated by the candidates. More interestingly, each of the major parties, such as the Democrats or the Republicans, has made the best use of populism in criminalization. In the following, we will refer to examples of these cases.

In the 1988 US presidential election, George W. Bush, the father of the Republican MP, was far behind in voting for Democrat Michael Dukakis and the governor of Massachusetts. At the time, a black assassin named William Horton had committed a second murder while in prison. He became a symbol of the fear of crime, especially fear of blacks and anger at legislation; Legislation that endangered the security of the people through the early release of the likes of this murderer from prison. From then on, these

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issues were raised in Bush Sr.'s propaganda campaign, and most likely, the same issues made him the winner (Perth, 2014).

Certainly, the entry of political disputes into legislative and criminal issues will create a dusty atmosphere of the election campaign and inter-party disputes, which will only harm society. In such a period, excitement and emotions have arisen, as well as media processing and advertising and its reflection without quantity and shortcomings by these media have encouraged its expansion, the output of which will be an inflamed atmosphere. The voices of experts in this field are lost and no attention is paid to them. Meanwhile, party supporters will be eager to hear new slogans to defeat the rival party. This is while legislation and criminalization should be in a calm atmosphere, away from the hustle and bustle and relying on scientific achievements, and not turn into a street invasion.

Populism has also made significant progress in Denmark and Sweden; one of the clear signs of this is the knowledge of those who specialize in policy requirements as an extra and surplus that has now been created in these two countries. The then Prime Minister of Denmark addressed the people in his New Year speech in 2002: "We do not need the tastes of experts or judges to rule us ... The dictatorship of experts suppresses free public debate. Danes should not listen to so-called experts who feel they understand and know best. "Experts may be good at expressing their true knowledge to us, but we are all experts in the face of personal choice ..." (Quoted from Perth 2014).

Here, if we pay attention to this speech of the Prime Minister of Denmark, we will find the superficial attitude of this type of politician to the most important specialized issues. He considers dealing with the issue of crime as a personal choice and introduces people as experts in this choice. If we consider the confrontation with the issue of crime and its effects as personal and ignore its close connection with the collective issues in an area, it is easy to see that with the development of mass communication, the effect of crime or

inappropriate action is felt in a neighborhood in the most remote cities and villages. When the world today is likened to a small village, the personal effects of the crime no longer make sense. This is where it becomes difficult to reach a consensus, and even if it is agreed, it will be fragile. In another section, he refers to the dictatorship of experts over the people, which cannot be true, because if criminalization becomes specialized, it will be prevented from becoming a matter of taste. In the meantime, with the rule of law, which is a comprehensive law in which all aspects of the legislation are taken into account, and the principles of criminology that are hidden from the public are considered. In this case, this criminality is stable and the early changes of that society do not cause turmoil and its benefits are tangible for the people of the society. Here, political parties and groups are looking for another way to gain the trust of voters in the elections.

From the point of view of criminologists, the process of criminal populism will be stopped due to two factors: First, the failure to achieve the goals pursued by populism. Since it is propagated in criminal populism that security can only be achieved through strict policies, if the ineffectiveness of these policies in controlling insecurity is proven, it can be hoped that populist approaches will lose their supporters. Second, in some cases, unreasonable austerity in populist approaches undermines the legitimacy of austerity. In a way that people react to those policies and stop supporting them. In these circumstances, officials will not be willing to adopt a populist criminal approach (John Perth, 2014). Of course, it must be acknowledged that although the ineffectiveness of these policies will one day be exposed, this is a long period and during this period, irreparable damage will be done to the body of the criminal policy. Sometimes in society, populist policies are so entrenched and overshadowed for a long time that they cannot be taken off, and in the meantime, politicians cover up their populist policies in each period with a new approach. Of course, it is very difficult to get rid of populism in society because informing the public about academic views as well as the negative functions of populism is not easy, and while such



populist practices, which are visible only to legal professionals and aware of their complexity, will be difficult for all members of society. Regarding the second view, it should be noted that the majority of people in society refuse to accept the inefficiency of criminal strictures, and still consider it the only way to deal with crime; Usually, no one dares to comment and oppose it, in which case his name will be removed from the list of parties for the elections due to the decrease in popularity. There is a clear connection between the functioning of populists such as parties and influential groups whose tools are mostly the media.

Some rules and schemes such as "Amendment of the Law on the Punishment of Persons Who Act Unauthorized in Audio-Visual Affairs" "Plan to intensify the punishment for crimes of disturbing the psychological security of society", "Plan to intensify the fight against violent crime" Considered one of the manifestations of populist strictness in Iranian criminal law. These laws and schemes, in addition to severe punishments and the development of criminal titles, involve the violation of many of the defense rights of the accused and convicted. The content, the manner of enactment, and even the discourse of the legislature and officials at the time of enactment of these regulations well illustrate the dominance of criminal populism over criminal policy. The legislature legislates without scientific evaluation and expert opinion, following hasty measures to attract public opinion, and violates any of the rights and freedoms of individuals under these laws (Taheri, 2014). The right and left parties, which sometimes use the "front" instead of the party to name them in Iran, have differences in various areas. One of these areas is the type of criminology or the requirements of criminology in different cases. Left-wing political parties, for example, are somewhat concerned with not restricting individual freedom; they also express their desire for symbols of freedom in Western countries, such as democracy and respect for women's rights. In the meantime, it has made social and political equality at the forefront of its propaganda in society and prevents or defends any

criminalization that strikes at these foundations in various positions that may be present in the Islamic Consultative Assembly or other executive positions. In recent years, it has been observed that due to the lack of coordination and conformity of these plans, and simply adapted from the West, they have not been successful for implementation in domestic culture, and many of these plans have achieved little but democratization.

On the other hand, there are right-wing parties that seek to instill an Iranian Islamic model and include the principles of Islamic Sharia in the type of freedom of individuals, as well as freedom of expression and cover of individuals in society or criminalization according to divine limits, Islamic rules, etc. and they are trying to include these cases in the laws of the country. Such as Article 685 or the note of Article 638 of the Islamic Penal Code which has no practical function and many other cases.

Conclusion

The entry of parties into the category of legislative policy oversees criminalization in line with the parties' efforts to gain power, and we are witnessing their abuse of the category of criminalization to achieve their goals. Therefore, this role can be destructive. These destructive effects occur when political parties lag far behind their rivals in electoral polls. Meanwhile, candidates in election campaigns are beginning to portray some criminal events; they are also well aware of public emotions and show special skills in evoking them. Public opinion hears these exciting slogans and feels the importance of their demands; these slogans show mutual excitement and seek to support their accepted candidates. In the meantime, the opposing party, seeing the decline of its votes, is trying to stay on the course of the competition, and this is where it seeks a solution. In this case, they use stricter criminalization as well as more security in their electoral discourse, and with the so-called "strike approach" they seek to save society from injustice. In the meantime, we will see competition for criminality. The issue, which has been

criminalized at the level of street communities, also needs the approval of the parliament, and the parliament is divided between different parties. They also follow their party tendencies in approving bills and plans. The winning party is awaiting approval of a bill or plans to deliver on its promises. On the other hand, the rival party insists on adding to the failures of its rival and tries not to approve it, not because it is unprofessional or inappropriate for the society. Rather, they are competing with the opposition party and showing the inefficiency of their programs, as well as showing their superior hand in the current affairs of the country. Most of the time, these plans and bills are quickly approved and entered the implementation phase due to good publicity support among the public. Meanwhile, the rise of far-right parties in the United States and Europe from 2015 onwards can be very thought-provoking, raising concerns about immigrants and asylum seekers, especially Muslims, in these countries because these parties are known for their xenophobia, criminal harshness, and use of law and order in their election slogans. In Iran, the parties, also known as the "Front", disagree on various legislative issues, including criminalization. They use and exploit these populist criminal ideas in the elections to get more votes. Their controversy is also evident in the Islamic Consultative Assembly. As a result, the security and freedom of individuals in society will become a tool for the excellence of the parties, not the excellence of society.

Offers

It is necessary to establish research institutes on the subject of criminology, with the cooperation of universities and scientific centers and with the financial and practical support of the three powers, to pass laws with better efficiency; this should be done without partisanship and political lobbying. Because in the legislatures due to the existence of partisan tendencies in the commissions and the busy work of the representatives and many cases, the lack of sufficient expertise in the deputies, as well as

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the existence of uncontrolled emotions caused by criminal incidents, the passed laws lose their efficiency and effectiveness after a while.

The mass media, which work with the public budget and the community tax, should not seek to support a particular faction or party, nor should they pretend to be neutral. With the help of impartial experts and specialists, these media outlets can challenge the programs and approaches of the candidates during the elections and cover the awareness of the democratization aspects of the politicians well, and avoid the parties' plan to trap electoral votes by using street criminalization.



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