



COLLUSION AGAINST SECURITY IN IRAN AND UNITED KINGDOM

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ABSTRACT

Criminal Policy Legislator in different countries Collision Decisive with Criminal Collaboration and Criminal Agreements. The reason for these dangers, the threats and devastating effects that such criminally and sometimes organised, cooperative partnerships, Especially In crimes against security, for the community Governance and independence in today's world, collusion of crime in all countries is a crime. Collusion analysis Particularly in Iran's legal and judicial procedures, it has not been well received, so there should be a serious shortage of theorising and the scientific commentary on this topic Reviewed. So, in this article the issue of collusion in Iranian law. Unfortunately, in only two articles, it has been mentioned that the collusion against internal and external security is in only two articles (Articles 610 and 611 of the Islamic Penal Code of 1996, not reproduced in the Islamic Penal Code of 2013). And has led to a lack of attention by the authors of the criminal rights of this crime and just pay attention to the subject of criminal conspiracy at the same level of Two Article. on the other hand, Collusion for crime It means the agreement and consent of two or more persons to commit a crime Which may be a plurality of criminals And agreed upon in the form of various offences or participation in the offense [1] Which is abeyance in the rules.

Keywords: Collusion against security; Iran.

1. INTRODUCTION

In all countries, Measures that undermine the rule of law are considered crimes and the titles of these crimes are different. However, maintaining national security is one of the major goals of all political systems. Also one of the goals of the right And the rule is security, Laws are set up to maintain the security of the community But in the meantime,

national security is very important And in all countries, actions that undermine the security of the state are considered crimes.

Criminal Policy Legislator in different countries Collision Decisive with Criminal Collaboration and Criminal Agreements. The reasons for these dangers, the threats and devastating effects that such criminally

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and sometimes organised, cooperative partnerships, especially. In crimes against security, for community Governance and independence [2].

2. BACKGROUND OF THE STUDY

In today's world, collusion of crime in all countries is a crime. In Iran, various crimes in the penal code, especially the Islamic Penal Code, are foreseen whose goal is to deal with crimes against the security of the country. These are discretionary punishment and Islamic prescribed punishment numerous materials in the Islamic Penal Code, Computer Crime Law Some other rules are foreseen. So Criminality A conspiracy against the security of the country is seen in large legal systems And some claim the amount of punishment has been set To fight against Security leads The conspiracy, who, To use a milder punishment to Committing the main crime. While not mentioning objective phenomenon or material verb to realise the crime against security Underlying Extreme impressions it is a concept and an example of this crime [1].

So, In Iranian law also conspiring against the security According to the criminal and criminal laws of crime. But in Iranian law, the concept, the modality of the Collision Example is ambiguous, And judicial precedent Also considering the problem in satisfying a condition and prove Collective criminal agreements And Collect evidence And compelling reasons There is a conspiracy against the conspirators. In this case, it is almost silent. Collusion analysis Particularly in Iran's legal and judicial procedures, it has not been well received.

So there should be a serious shortage of theorising and the scientific commentary on this topic Reviewed. So, in this article the issue of collusion in Iranian law. Combined with adapting to United Kingdom (UK) law which has a long and famous legal system known as the common law legal system is being investigated and reviewed. United Kingdom (UK) Because of Judicial procedures and court judgments are highly dynamic and can clearly explain the ambiguous issues [2] Therefore, it is considered as the basis of matching.

3. THEORETICAL FRAMEWORK

3.1 Definition of Collusion against Security

A few of lawyers In their works, they have defined the collusion Some define it as such collusion: Conspiracy is an agreement between two or more

persons for committing a crime In the legal term Meaning of collusion ,Preparation An agreement between two or more persons for committing a crime [3]. Deliberate collusion agreement and wisely between two people to commit a crime against security, Property People's disasters and souls [4].

Collusion for committing a crime Due to the similarity of its material and spiritual elements, it has always been able to engage the mind of the lawyers; because according to some the only crime in which criminal thought is punished is a criminal collusion. In Iranian-British law, the crime of conspiracy means the agreement of two or more persons to commit a crime, in two areas of crimes against security and other crimes, It has been criminalised (Hakimi, 2017).

Collusion means collusion against third parties, in continental duty, Contract, Secretly covenant Conspiracy. When a group of people is secretly forbidden to work or illegal, such as collusion Plan to overthrow the government Collusion is located or the act of collusion, drawing for collusion, Collusion, a Confidential compilation by a group of individuals to do so is illegal. The Blaks law culture ends with a conspiracy by two or more individuals to commit an illegal act or an agreement. Failure to reach agreed crime Causing deterioration No collusion. In addition to the above, the malice any kind intrigue and cheating or any kind. Maneuver And act and interaction to transform the showing of a truth Refers.

Conspiracy Means set up is wickedness in such a way as to bring the person to the crime scene to commit it. Conspiracy secret covetousness and Also plot and abetment are meant. There has also been a plot of every kind of action that deceives the material and the concrete.

Conspiracy is considered to be malice. The plot is also instance malice. Malice to go beyond an agreement and an external action and may be in writing or verbally or any other material action.

Territory collusion in the system of customary law, it is wider than the legal system. In English law is collusion an agreement between at least two people for committing a crime. The Canadian legal system considers a person's agreement with another to commit an unlawful act by performing a legal action with illegal means as collusion. French Penal Code a definitive decision between several people For Committing One Attempt when this decision involves one or more actions it's a conspiracy. German law forms a criminal organisation or an organisation whose purpose is to commit a crime has been criminalised as collusion. Indian law cases where

two or more people agree who will perform an illegal act or legal action could be taken with the illegal means.

4. STATEMENT OF THE PROBLEM

4.1 Basic Criminalization Collusion

It should be noted that the soul of the community and collusion is not a crime, but if it is committed to committing an offence against domestic or foreign security, Because of the risks that may be consequently doing verbs or criminal verbs. Case Agreed for Society created. Crime is considered. Collusion against security, including barriers to crime and in order to prevent more serious crimes against national security, has been criminalised [5].

The main motivation of governments Criminalization Collusion against security, Maintain public security and preventing crimes against security, So it's a crime. Undoubtedly unlimited extension "Preventive crimes" Contributing to the security of the country Among Criminalization Acts and behaviors of citizens on the pretext of crime prevention "Preventive crime" Although at the beginning it is accompanied by some justifications, But the fundamental bases Rights and justice To have Makes alteration If by this problem The ambiguity of the criminal law is also accompanied, So that there is no specific criterion for detecting a crime from it. And instead "Objective appearance" Refer to the accused's mental thoughts; there will be no place for the survival of individual rights and freedoms.

On the other hand Imposition of Multiple Penalties for the crime Collusion Against security the minimum and maximum of which are non-comparable, Makes the case more complicated. The basis Criminalization of collusion It is based on this assumption That Collaboration of several people To carry out an intention And the harmful purpose of creating such a new and additional force would be to commit a crime that would lead to a crime or other crime.

In Iran's law, collusion was first criminalised in public law 1925. Articles 168 and 169 of the Penal Code apply the vocabulary of community and religion in the sense of collusion.

According to this article, the community and collusion to commit Misdemeanors, And crimes against nobility The population Property As well as crimes against the internal security of the country or against the basis of national government and freedom and against the foreign security of the country are criminal offences.

There are also rules and conventions on collusion in specific and different laws: The Armed Forces Crimes Act of 2003 (Articles 17, 19, 21, 33, 74, 43), The Disciplinary Penal Code in the Industries Adopted in 1974 (Article 4), The law of collusion in government transactions approved in 1969 (single article), The Penal Code of Persons Who Take Non-Collusive Mortgage is approved in 1928 (Articles 1 and 5).

The realm of collusion is written in the system of customary wider rights. At present, the element of the collusion against the security of Iran is Article 610 of the Islamic penal Code of 1996. Articles 13 and 15 of the Penal Law disruptive In Iran's Oil Industry, approved in 1957 And the single article of Law 1959, enacted severe penalties for armed robbery And Article 3 of the Penal Code of Disruptive Industries, There have been concrete examples of the crime of collusion against security.

4.2 Collusion in Iranian Law

In Iranian law, the legislator is not included in the General Penal Code of 1925 (Articles 168 and 169) and not in the law of equipment, adopted in 1983 (Article 88) and not in the Islamic Penal Code of 1996 (Materials 610, 611) has not provided a definition of collusion.

4.3 Legal Principles Criminalisation Collusion

In the Imamie jurisprudence and the rights of Iran Stipulation It has a special place And the special importance of the institution Stipulation in Imamie Jurisprudence, Is to a large extent related to the dominant tendency of the jurists to discredit the elementary condition. Despite the fact that the vast majority of jurists consider the condition of the contract and the implicit customary condition to be binding, but doubts about the influence of the condition of collusion have been expressed [6]. Criminalisation introduction that necessarily leads to crime, from the perspective of criminology is justified. Also, this is the basis of Criminalization Preventive crimes. Therefore, the principle of the forbidden introduction can be in principle One of the foundations Criminalization Collusion crime against security considered (Tabatabaei, 1990).

4.4 Collusion in English Law

In the Common law, collusion consists of a two or more-sided agreement between two or more persons committing a criminal offence, or the use of legal means to perform a purpose, The main concept of this crime, An agreement is illegal between the parties

And there is no need for action to be taken. The rights of common law is considered by the people as individuals who are for the most purposes together and therefore none of them can be convicted with another for the sake of Collusion. In common law rights and traditionally, Collusion for committing a crime it was a crime with the broad interpretation of judges (1). The criminalisation of this crime dates back to the early 14th century. (2) In British law, before the adoption of the 1977 Penal Code, the crime of conspiracy was based on judicial practice. In 1977, with the passing of the Criminal Law Act, A new crime was foreseen in the law of collusion.

The word "illegal" in this definition has a very wide range. Not only does it include all the crimes in the UK, but also conspiracy to defraud, corrupting public morality, and conspiracy to outrage public decency (Dexins et al., 2003). After the enactment of the Criminal Law Act in 1977, the only collusion for committing a crime is a criminal offence. In the nineteenth century, in British law, condemnation of a penal code could have been based on an agreement to commit illegal and non-violent behaviour, such as civil error, as a crime or a defect in a contract. This causes Extend the scope of Criminal law Activities of unions was a fledgeling business. Trial even in their votes Collusion They identified the strike until the 1865 law of coping and protection of property and the 1906 Commercial Dispute Act was adopted. At present, there are two types of collisions in the British legal system.

1. Collusion legitimate law
2. Collusion Based on common law

Common law has different meanings. "Common law" is a set of principles and rules derived from a custom and a very old tradition that has, over time, secured a variety of judicial decisions. And without being assigned to a certain class have, All over the country will be ruled out.

In another quote, the Common law is a part of the law. Which is not the source of any laws or regulations arising from the legislature or in the definition that Common law is a Principles, Tradition and practice that applies to the rule of persons and property And its force is not based on the explicit declaration of the transient law.

In another definition have been said the common law is a special legal style which method is in solving disputes it is not based on rules or regulations arising from the legislature.

But also on the traditions of the righteous decision And It is based on a general and very ancient tradition which has been adopted by judges in recent times.

It is clear that the basis of these votes was definitely thought At the time of the issuance of a vote in the environment in which their exporters lived It has become commonplace Which is now referred to as the "very old" and "unreasonable" custom And the first time the judicial panel of the courts has been reflected in the judiciary [7].

4.5 Collusion against National Security

Article 610 of the Islamic Penal Code Defines the crime of collusion against national security "A consensus agreement between two or more individuals to commit a crime against security or to provide means to commit a crime against Iran's security. If we want to investigate security offences in Iranian law, It can be said that any act against domestic and foreign security is considered a criminal offence in the Islamic Penal Code (Articles 279 to 288 of the Islamic Penal Code approved in 2013).

In connection with completing the definition of crime, it can be said that crime is a criminal offence which is under one of the titles that have been introduced in the Islamic Penal Code as domestic and foreign domestic crime offences.

Lawyers have divided crimes against security into two categories [8]:

The first category: Crimes against Homeland Security.

Second category: Crimes against foreign security.

In the definition of crimes against domestic security, it has been said that the perpetrators of acts commit anarchy and disturbance in the internal order of a country. For example, incitement of people to clash with each other, the destruction of public institutions, bombings in public places ... The offenses of foreign security are also a criminal offense. Who's committing them disrupts the international order or, in other words, undermines the independence and territorial integrity of a country.

This article stipulates:"Everyone to create fear and panic And deprivation of liberty and security of the people take up arms, Is an enemy of God and corruption on earth, "In Iran's law, as the related material stipulates, the crime of collusion against security involves an agreement to commit crimes

against security (such as belligerence and espionage)" [1].

5. RESULTS AND DISCUSSION

5.1 Legal Basis Crime Collusion Against the Security of the Country

At the moment, the legal basis for a crime against the security of Iran Article 610 of the Islamic Penal Code was adopted in 1996. Articles 14 and 15 of the Law on the punishment of saboteurs in Iran's oil industry approved in 1957 and the single article of the law passed in 1959 and more severe penalties for armed robber Article 4 of the Penal Code for Disrupters in Industries, Examples Special of crime Collusion Have expressed against the security. Regarding the crimes against security by the armed forces in terms of the importance of the issue, The legislator has foreseen special provisions in various materials of the Penal Code of the Armed Forces In case of conditions mentioned in the above regulations ,Will act accordingly.

The primary justification for the crime of conspiracy is the collusion A crime is a deterrent whose purpose is to prevent it from doing and preventing the perpetrators of committing The main crime. The doctrine basics in this regard are generally two: 1) early intervention; and 2 social risks associated with group criminal behaviour.

A. Premature intervention:

In terms of the classification of crimes, the crime of collusion against security is an immediate crime, because, at the very moment when the agreement is reached, after a brief period of time, the crime of collusion will be realised.

So the place to reach an agreement is the crime location And the courts of the place are competent to handle. The origin of the time from the moment of the agreement begins. Investigation of the crime of collusion against security in accordance with Article 5 of the Law on Amendments to the Law Establishing the Public and Revolutionary Courts is the competence of the Revolutionary Court.

Collusion crime against security is a deliberate crime subsequently, without action; the initial agreement does not conclude an agreement and the collusion do not materialise.

Collusion can be seen from the examples of crimes prevented, Prevent crime, Includes behaviours. Although they do not involve direct and immediate

harm, to prevent more terrible crimes Have been criminalised by legislators. The legislator is resorting to a violent and criminal mechanism It seeks to prevent the occurrence of severe crimes.

Competency common law the courts are frequently based on early intervention as the basis for collusion, does competency acts. Although the High Court did not specify the reason for doing this is Of course, the rights based on the judicial procedure (common law) do not support early intervention. Because this theory alone is not enough to justify collusion Even if that Collusion is sufficient to trigger a specific crime (Brandon, 2000).

B. Social criminal behaviour connivance:

And collusion between criminals Increases the probability of committing a crime and exacerbates the feeling of panic and insecurity in society [3].

5.2 The Constituent Elements of the Collusion

The general principle in criminal law is that criminal thought and thought is not punishable. However, some believe that only the crime that is intentionally punished is a criminal offence others believe that the realisation of all crimes in addition to the need for the spiritual elements is subject to the exertion of external material. And the exclusion of this is no exception. It is impossible to find out the intentions of the people and any search for people's intentions may be done with the use of torture and coercion. Forbidding himself is a crime [2].

But with this in mind, it's usually difficult to prove and agree ;Legislative policy and judicial procedure going to the side of that In addition to an agreement, an external representation of that is also required. Like Article 611 of the Islamic Penal Code, which in addition to agreeing on the provision of preparatory measures, also relies (Hakimi, 2017).

So Collusion Like other crimes, it requires a material element, that is, the verb and the spiritual element, that is, the evil mind; Elements Material At Collusion, is Agreement Which is the basic structure itself Constitute a collusion In terms of spiritual elements, sinister intention General In the crime of collusion "The intention is an agreement "And sinister intention special Collusion Must be "The intention is to implement the agreement."

Failure to reach an agreed crime would not mean collusion. The material and spiritual basis of the collusive crime is very close, and their division is difficult. Because the material elements are the collusion of "agreement" Which is actually a mental

function. It seems that the psychological element of collusion must be "action plan" is.

5.3 Elements Materially

The material elements are the second element of crime. The main elements are the cornerstone of criminal behaviour, sometimes verbally executed in the form of the verb being left. In the crime of collusion, criminal conduct is positive, that is, by performing a positive verb, collusion will be realised.

In the Anglo-Saxon system, the agreement is the cornerstone of the collusion. The agreement means the crossing of minds and the need for physical encounters between perpetrators. It is enough to achieve a basic agreement for the fulfilment of the crime, and the negotiation of details is not a condition for fulfilling it.

In this system, it is sufficient for compromise and plotting to act without objective and extrinsic action and there is no need to implement the map. The material elements are the second element of crime the pivot of the material elements is criminal behaviour, sometimes verbally executed in the form of the discontinuity of the verb. In crime, persecution is criminal. That is, it is accomplished by performing a positive verb. In the Anglo-Saxon system, the agreement is an element of the crime of Collusion The agreement means the crossing of minds And there is no need for a physical meeting between the perpetrators. Of course, mere negotiation does not mean agreement. It is enough to make a fundamental agreement for the fulfilment of the crime, and the negotiation in detail is not a condition for fulfilling it.

System, the mere agreement and mapping are done without objective and external action for the crime and does not require the operation of the map. It is obvious that the way and method of agreement are not important and the agreement via telephone, email, fax and SMS. It is also an agreement.

The elements are: 1- agreement; 2 -There are two or more; and 3- obvious verb. It is worth mentioning, however, that the verb is obvious In Iran's law, there is no need for Collusion crime.

5.4 Agreement

In Iran, the legislator in materials related to collusion in the Universal Penal Code 1925, The law of discretionary punishments 1993, And the Islamic Penal Code of 1996 has only made the agreement necessary to realize collusion In the law of Iran and Britain, if one party, despite the apparent agreement

with the other party, does not intend to enforce the agreement, The other person cannot be condemned criminal conspiracy (Sadeghi, 1997).

5.5 Verb Witnesses

In collusion independent of the original crime that is the intention of the perpetrators are evaluated. Condemning two or more people to the collusion for committing a crime is subject to the fact that the crime in question has not been committed. Supreme in the case of committing a crime by them, they must only be committed. Complete crime condemned and condemning them to collusion will not matter. Iranian Law Needed for Verb witnessed As a component of the material elements, it is not a concomitant collusion Crime. Although, positively, the mass of collusion may be time-honoured The collusion of the outside world has taken measures Which indicates their previous agreement; A thing that is difficult to achieve without these actions ,But it is not necessary as a constituent collusion crime element.

In the UK, the obvious verb requires the execution of a major crime Subject Collusion It is not a constituent element of collusion crime . In addition, it even performs an obvious verb it will be enough for each of the contributors to advance a criminal offence [9].

5.6 The Spiritual Elements

Since the principle is based on the deliberate nature of the offences and the unanimity of it requires the stipulation of the law, it should also be regarded as a coercive crime as a deliberate offence. However, since the moral and material elements of the communion crime are interconnected, and both of the abovementioned pitfalls of the constitution for committing the crime occur at a moment, the separation of the elements is not easy to accomplish.

It is imperative that the sponsors enter into negotiations with their will and, ultimately, agree. We deal in common law rights that collusion a combination of an illegal act or a legal act using an illegal means. Although any illegal purpose is not criminal, and so acts that are legal when executed by one person may be considered as criminal as a result of group behaviour.

In Iran's law, the elements of the crime are concrete collusion in which the "General "sinister in the crime of collusion" Intention agreement", and "special sinister the collusion should be "the intention to implement the agreement".

In the UK, in expressing the intent to commit a crime, have failed. The problem with the failure of the

courts to provide a clear definition of collusion with the intent necessary for conviction was established.

In general, the prosecuting officer must prove that the suspect has a tendency towards an illegal purpose and that such an intention should at least be presumed in the minds of two of the parties to the conflict.

In collusion it was necessary to distinguish between the intention of the conciliators to agree and their intention to reach the subject of crime. This is because the collusion of two has elements, one Collusion and the other is the link that is associated with the previous section. In the UK, it has been accepted that it intends to achieve the desired goal Collusion, The spiritual elements needed for Crime Collusion This view believes. The intention is to collusion minimize bindings. It is a degree of criminal intent that is intended for the main crime; so, what is needed is the intention to achieve the desired goal (Brandon, 1996). In Iranian law If the crime requires the co-coordinators" Special malice" For example, the intention is to disturb the security of the country, The collusion of bad intention must be established so that they can be convicted of conspiring to commit it (Sadeghi, 2013).

5.7 Psychological Elements

The psychic elements or the mental state of the perpetrator, Although they are referred to as the third elements of crime But in terms of formation, it is at the forefront of materiality. In fact, the psychological element of crime, The intention is to violate the criminal law. When the law forbids an action or abandonment of action and for which the punishment is intended to violate this law, the psychological element forms the crime. Malice or criminal intent or mental element of criminal intent intentional crimes and is divided into two parts. The specific malice of the will commit the criminal act and the intention of the act and the will to do so. The particular willful misconduct commits a criminal offence or the next will commit the verb and consciousness to the circumstances of the case. In the crime of collusion against security, what forms the element is the agreement to commit a crime against the security of the country [10].

Basically, if two or more people gather and agree to commit a crime against the security of the country, the psychological element of the collusion has been realised against the security of the country. In the crime of collusion against the security of the country,

the intention of the agreement and general sinister intent to commit crimes against national security Specific malice expressed as a deliberate intention to unlawfully take away the collusion. Special malice of motivation is different .It seems like an interesting thing about the psychological element of offense. The perpetrators should not be from the beginning Intent Spend Collusion It is necessary to have .The intention is to commit the crime against the country. In the crime of collusion against national security, disturbing motivation is security.

Generally, the motive is outside the psychological element That is, without being motivated, an element of mass can be analysed While in the crime of collusion against the security of the country if we intend to commit a crime against the security , We cannot analyse the psychological element of mass. Because of the agreement. The crime is not collusion against the security of the country.

Therefore, it is not merely an intention to reach an agreement for the fulfilment of the psychological element of the collusion against the security of the country But it is necessary to make an agreement to commit a crime against the security of the country. Mistake, joke, apparent consent without the intention to implement the agreement is due to the distortion of the element and the failure to fulfil the crime of collusion against the security of the country. Therefore, if someone agrees on the other with a joke or trial of the political beliefs of the other party or the notion that the act is not a crime, the crime Collusion against security has not occurred. Conditional agreement, the crime of collusion does not happen But in Collusion must be agreed upon for the purpose of committing a crime Perpetrators Must have an agreement And collusion And science to agree to the crime.

Thus, if the offender is ignorant on the subject, but then he realises the perpetrators' intent to disrupt the security of the country Due to the lack of specific misconduct, his perpetrator has not committed a crime. From the point of view of the classification of offences and the place of crime against security, this crime is an immediate crime.

5.8 Comparison Collusion against Security in Iran and Britain

Collusion against internal and external security has led to a lack of attention to commit a crime and agreed upon in the form of various offences in Iran and Britain.

5.9 Punishment Accomplice

Under Article 610 of the Islamic Penal Code perpetrators Collusion against the security of the country If they are not subject to the title of belligerences, they are 2 years to 5 years in prison. If the collusion is made as a belligerence Convicted to the punishment of belligerence mentioned in the Islamic Penal Code. Under Section 3 of the British Criminal Law of 1977, the Penal Code of Constitutional Law does not exceed the maximum punishment that the binders intend to commit [9].

5.10 Collusion Device

The impact of the device varies with each other. There is no role whatsoever in terms of the realisation of the nature of the offence or the amount of punishment, and sometimes only in the amount of punishment and sometimes contributes to the realisation of the nature of the crime The collusion for committing a crime against security alone does not require any special means.

But the agreement can be written, oral, or any kind of material action. This agreement can be achieved through intermediary intermediation. There are two types of agreement in English law Cyclical and chain Expresses.

Rotational collusion: One person is in contact with other people as a group leader and their agreement is sought for the crime in this way, no one person contacts.

Chain collusion: Persons accomplice in the form of chains and the two are connected together make up an agreement.

In the law of common law, Collusion involving two or more persons agrees to carry out a criminal act or the use of illegal means to carry out criminal purpose. The main concept of this crime is an illegal agreement between the parties and does not require action in some cases [1].

In Iran, the crime of collusion against the security of a crime is a hindrance. Because the legitimate aim is to prevent the commission of a crime against security. It is also an absolute crime. Because, regardless of the fact that a particular result of the actions of the collaborator, the crime is fully realized.

With regard to the second paragraph of Article 610, the provision of a means of committing a crime is not a criminal offence, but rather a criminal offence. Provided that two persons are provided with the

collusion of means for committing a crime against security, they are subject to the second paragraph of Article 610, whether they use or use other means to realise crimes against security. Therefore, the causality relationship is also ruled out.

5.11 Time and Conditions Collusion

In Iran, the crime of collusion against security is not, in principle, an effective time in the case. However, if the crime occurred during the war, the amount of punishment would be intensified in accordance with article 32 of the Penal Code of the Armed Forces adopted in 2003. If the offence of crime within Iran, in accordance with article 3 of the Islamic Penal Code, is based on the principle of territorial jurisdiction, the jurisdiction of the courts of Iran takes place And if the offence has occurred outside the territory of the sovereignty of Iran, it is documented in Article 5 (1) of the Islamic Penal Code and is subject to the jurisdiction of Iran in accordance with the principle of proper jurisdiction.

5.12 Mass Start

The collusion is not punishable because the legislator has not stated that it is a crime. The collusion on the impossible crime of the Iranian law system is unpunished In the English criminal law system; collusion in an impossible attempt is punishable by law. In Iran's law, according to Article 122 of the Islamic Penal Code of 2013, which commenced the crime for crimes held up to grade 5 discretionary imprisonment, And according to Article 19 of this law as well as Articles 610 and 611 of the Act discretionary is also possible to start a crime It is possible In particular Collusion. However, some lawyers believe culpability in the conspiracy, agreement and start an agreement It is not possible; Because there is agreement or not and there is no middle ground for it (Mirmohammad sadeghi, 2013). But it is also possible to collusion.

For example, people are cohabiting and discussing major crimes. But they do not agree on the difference in how the crime is committed. Certainly, this amount of actions has been taken the operations will be the crime of collusion [1].

5.13 Punishment to Commit Impossible Attempts

Collusion in Impossible attempts In Iran's law system is unpunished. While in the English Penal System, Concourse in the Impossible attempts it is punishable (Brandon, 2000).

5.14 Communication Collusion with Other Crimes

In English law to condemn a person for collusion, the need to commit a major crime that has been the subject of collusion and in case of major crime, only punishment. The crime is committed and not a collusion. This issue is controversial in Iranian law, as some lawyers believe that material multiplicity has become evident in this case. And Collaborators Subject is to regulation Multiplicity Material mass. But others believe that if they commit a major crime, they should only be sentenced to commit a complete offense and condemning them Collusion It will not matter. In justifying this view, the purpose of the Criminality Collusion Preventing major crime. (Mirmohammad Sadeghi, 2013). Now that major crime has been committed, there is no justification for the inclusion of regulations there are no multiple crimes [11].

5.15 Punishment Contributors in case of Acquittal One of the Parties Agree

In English law, Clause 8 of Article 5 of the 1977 Penal Code stipulates that a person may be sentenced to collusion Even if his associates are acquitted by the court, unless his conviction is in contradiction with the remorse of his accomplices. This rule makes the acquittal of one of the parties, as a result of the difficulty of proving guilty or impeding the trial process, does not result in a concurred offense against which the offense has been established. When there is a claim that A or B has been collusion and B is acquitted before or after trial A, there is no obstacle to defective convictions A.

This is where the parties are Collusion Brought to trial separately. But where the parties are Collusion In common and in one place they will be tried Concerns about the validity of convictions A and B (or vice versa) are made.

These doubts were resolved by sections 8 and 9 of the 1977 Penal Code;

This provision applies to both forms of collusion (collusion based on common law and statute law-based collusion) [1].

In Iran, this condition is not required in accordance with Article 610, and it is a mere punishment for committing domestic or foreign anti-security offences. Although it may be sanctioned in accordance with Article 38 of the Islamic Penal Code of 2013, there is no such requirement in relation to the obligation to

notify a crime to the authorities, and in the case of information only in accordance with Article 38 of this law, it may reduce their punishment.

5.16 Time Barred

Time barred the term is a passage for a period which, according to the law, expires, [the complaint], the prosecution of a crime or execution of a definitive punishment is suspended ;

In other words, when a crime is prosecuted or a definitive punishment is enforced, a certain period of time will be postponed; it will no longer be considered a crime and a definite ruling will not be enforced in a timely manner. In this case, they say that the crime is subject to time lapse [12].

The Islamic Penal Code, approved in 2013, has assigned articles 105 to 113 to this issue. Based on these materials, four types Time barred in Iran's current criminal law is predicted:

1- Review of complaint time 2 times tracking; 3 reviewing the time of issuing a judgment; and 4 reviewing the Time of Penalty Execution.

In connection with the crime of collusion Reviewing the time of the complaint is not in principle possible Because this kind of time-lapse is specific Crime is negligible)Article 106) and Article 610, in Article 104, are not time-barred offences.

It is important to note that according to Article 109 of the Islamic Penal Code, the following offenses are not subject to prosecution, sentencing and execution: (a) crimes against the internal and external security of the country; In England, according to Common law, the crimes of conspiracy are not subject to time-barred (Brandon, 2000).

6. CONCLUSION

In Iran, we have no definition for collusion And the conspiracy against security in Iranian law in Article 610 of the discretionary punishments Law Which included collusion for crimes against domestic and foreign security. In Article 610, individuals will be covered by this article for the purpose of committing crimes against internal and external security. Contributors for crimes against security Maybe Facing the punishment of belligerence This is while considering the definition of and the belligerence drawing of weapons and what Contributors Only the Bertrand agreement is a crime, The truth of this title is about Contributors Will be sceptical. Also, by adopting the Islamic Penal Code 2013 Start offence

Collusion also Collusion to commit Crime is impossible a subject is conceivable.

By comparing the rights of Iran and Britain regarding Crime Collusion, The material elements of this crime include 1- agreement; 2- two or more; and 3- obvious verb and the element of this crime, in addition to the intention of the agreement, the intention is to implement it. Of course, this point is necessary It is not necessary that the verb evident in Iran's law for the accomplishment of the crime of collusion is not necessary.

Also, if you cancel Contributors Continue their Crime Collusion in English law, they remain Criminal liability Iran will remain strong. The study was carried out on Crime Collusion against security, Article 610 of the Islamic Penal Code, adopted in 1996; it does not conform to current customs and international standards.

Determining the punishment without comprehension and lack of attention to its effects and its consequences in comparison with different states can be considered in Iran. Therefore, we consider the following points as suggestions for the improvement of the legislative situation. In British law, the crime of collusion is lower than the original one but in Iran in many legal matters in punishment Crime Collusion There is also ambiguity and the legislator without any explanation in some cases considered. Of heavy punishment, belligerence For Contributors. It looks like: Legislator before any action clarifies the ambiguities of the legal material, and transparently defines it And specify what constitutes a crime to commit, what is its crime, its degree of crime and its punishment.

Also from the point of view of criminal policy, Exemption from punishment for someone who has committed a crime against security and to expose the operation. Triggers crime detection Before committing people. Discounts that this is also the view of the legislator hidden. Therefore, it is suggested Co-operation of perpetrators with judges and offenders As a discount in the relevant laws Be documented.

COMPETING INTERESTS

Authors have declared that no competing interests exist.

REFERENCES

1. Hasani Sarah. Comparative study of collusion in the laws of Iran and the United Kingdom. Quarterly Journal of Law Studies, No. 14; 2017.
2. Abdoullahi, Hojjat. Comparative study of collaboration in the laws of Iran and the United Kingdom, Master's Thesis for Criminal Law and Criminology, Qom University; 2005.
3. Samiei Zonnor, Hossein, Dissertation for the comparative study of the collusion on the criminal matters of Iran and Britain. Criminal Justice and Criminology. University of Tehran: Shahrivar; 2011.
4. Habibzadeh, Mohammad Jafar, Momeni, Mehdi. Collusion crime against national security in Iranian law, Comparative law research, Tarbiat Modarres University, Fourth Issue, No. 2; 2010.
5. Momeni, Mehdi Habibzadeh, Jafar. The crime of collusion against national security in Iranian law. Comparative Law Research (Teacher of Humanities). No. 67; 2010.
6. Heydari, Mohammad Ali, Shariatzadeh Mitra. Contradiction condition from the Viewpoint of Imamieh Islamic Jurisprudence and Civil Rights of Iran, Two Quarterly Scientific Papers on Alawi Law, First Year, 5-20. Available: <https://thelawdictionary.org/collusion>
7. Fletcher, George P. Basic concepts of criminal law. Mehdi Seyed Zadeh Mashhad: Razavi University. 2005;322.
8. Majidi, Seyed Mahmoud. Exclusive criminal law. Crimes against security. Tehran: Publishing Rate. 2007;80.
9. Lewis R, Morris A, Oliphant K. Tort personal injury claims statistics: Is there a Compensation Culture in the United Kingdom, JPI Law. 2006;87:97.
10. Gholam Jamshidi, Mohammad Sadegh, Jamshidi, Salm, Jeriani, Hamid, Yazdiehah, Mahdi-al-Sadat, Law Enforcement Magazine, Sixteenth, No.1; 2013.
11. Elham, Gholam Hossein, Samii Zenuz, Hossein. Coping mass against discrimination, property and population. Jurisprudence Jurisprudence Quarterly; 2013.
12. Akhundi Mahmoud. Criminal procedure, Tehran: Printing and Publishing Organization. 2010;I.