

## THE POSITION OF CRIME PREVENTION IN INTERNATIONAL CRIMINAL LAW

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### **Abstract**

Crime prevention and dealing with criminals are important issues that have been studied and researched for many years. Fraud also makes prevention difficult. In this regard, the United Nations has held congresses since 1955 in order to find solutions to prevent crime and design minimum standards for dealing with criminals. Representatives of governments and nations and many experts participated in these congresses and discussed important issues and provided guidelines. United Nations Congresses are held with representatives of governments, criminal justice experts, world-renowned researchers, and members of non-governmental organizations (NGOs) to discuss common problems, common experiences, and find solutions to crime. The recommendations of these congresses have been related to the legislative and policy-making bodies of the United Nations and local and national governments, of course, these organizations and governments have made useful and abundant use of these recommendations in practice and used many resources.

Key words: prevention, international law, crime, criminal

### **Introduction**

Today, the scope of crimes, in addition to domestic (national) crimes, has also been extended to cross-border (international) organized crimes; As a result of globalization and regionalization of the process of committing some crimes, the way of dealing with them has also changed. In a way that has forced many countries to mobilize their control. With the end of the Second World War in 1945, the United Nations replaced the League of Nations and assumed all the duties of the League of Nations in international crime control and prevention, which it deals with in the form of criminal policy.

Since the task of this organization is to maintain global peace and security and crime is a social phenomenon that endangers global security, it is believed that crime should be subject to a special policy so that the international order is protected from the dangers of crime. In this regard, five-year congresses are organized to exchange experiences and information and find sustainable solutions to solve them; Therefore, this is why the researcher intends to express the results of the congresses and their decisions and opinions and their effects on the reduction and prevention of crimes and open it to the readers.

### **Prevention and its elements**

"Gassen" defines prevention as follows: "Prevention includes the set of criminal policy measures, excluding the measures of the penal system, whose exclusive purpose or at least part of it is to determine the possibility of the occurrence of a set of criminal actions by making them impossible, difficult or probable" ( 6) The dear professor of the late Keniya said that man should know the needs, the environment and the factors that make him subject to misfortunes, deviations and rebellion, he should fight with the causes of crime and not with the disabled, fighting with the

disabled has never provided the means for the welfare of the society. is (8). On the other hand, the emergence of the phenomenon of deterrence or prevention of crime in today's criminal policy doubles the responsibility and dangerous duty of judges, and they need deep scientific capital and extraordinary accuracy and passion to arrest the fallen and treat the victims of the society and guide them and achieve This purpose is not possible except by knowing the truth (5).

Dr. Hossein Mir Mohammad Sadeghi has stated about prevention, the meaning of prevention is to take measures that reduce the situation and the possibility of committing a crime and thus acts like a vaccine, not a treatment after the disease (4) Prevention of delinquency for the first time in the article A crime prevention bill is defined as follows: predicting, recognizing, evaluating the risk of crime and taking measures to eliminate or reduce it, which is sometimes called "managing the risk of crime". This management includes the following are:

Completely eliminating some risks, reducing some risks or reducing the extent of damage by implementing security measures such as installing closed-circuit cameras, transferring some risks to devices such as facilitating insurance and the like, accepting some risks that are unavoidable and or fixing them imposes unbearable costs (3).

#### **Elements of crime prevention**

According to the definitions of crime prevention expressed by lawyers and criminologists, crime prevention has four elements, which are described below.

#### **Specificity of preventive measures**

Actions that are specifically related to prevention are not secondary, for example, education is effective in prevention, but it is not considered specific and direct prevention.

#### **Reducing the effects of crime**

Crime prevention should be done with measures that reduce the effects of crime and its repetition in the society, for example, criminalizing the carrying of weapons is the prevention of assault and finally murder.

#### **The invincibility of preventive measures**

Contrary to the punishment which is applied unilaterally by the judicial authorities and the consent of the person is not required, in preventive measures, the consent of the beneficiary should be taken into account, so the existence of coercive measures is not considered preventive in criminal law.

#### **Considering risk factors and social environment**

Preventive measures should identify crime-causing factors, including environmental and personal factors, so according to this element, preventive measures should affect the environment and situation or have an effect on the individual's

#### **Five-year crime prevention congresses**

The Crime Prevention Congress has been held since 1955 and has been held every five years in different parts of the world.

#### **First Congress, 1955**

512 participants gathered in Geneva, Switzerland to open the first United Nations Congress on Crime. Officials from 61 countries and territories, representatives from 51 governments and international organizations such as the International Labor Organization (ILO), the United Nations

Scientific, Cultural and Educational Organization (UNESCO), the World Health Organization (WHO), the Council of Europe and the League of Arab States and Representatives from 43 non-governmental organizations were present in this congress. There was an urgent need to set standards for dealing with prisoners, whose number had increased due to the chaos and black markets of the war and previous tensions. Big and complex problems about how to respond to juvenile delinquency, which is rooted in teenagers without parents and grew up in streets full of pebbles, was another focus of attention (5).

Paying attention to the proper functioning of penal institutions, led to the presentation of a draft by "IPC" and the approval of Congress and the subsequent approval of ICOSOC on 95 rules of minimum standards on how to treat prisoners and the development of a less comprehensive bill on the rights of persons in They are legally arrested. It was felt that prisoners, regardless of their crime, deserve human dignity and minimum standards of well-being. This opinion was especially strong among the representatives present in the Congress who had experienced the hardships and deprivation of prison during the occupation of countries by fascist forces in the World War.

A comprehensive set of rules on minimum standards, carefully thought out and combined with the general views of experts and representatives of governments, underlines a strong moral drive that has produced improvements for prisoners around the world over many years. The discussion of juvenile delinquency prevention and reform attracted the largest number of participants in the first congress.

### **Second Congress, 1960**

The second congress was opened in London at the invitation of Great Britain and Northern Ireland. The choice of this place caused the beginning of the activities of congresses outside the central offices of the United States of America; in a way that brought the congresses to a wider range of urban centers of the world. Representatives from 70 governments along with representatives from 50 non-governmental organizations attended this congress. In this Congress, juvenile delinquency was once again on the agenda of the session. New forms of delinquency, their origin, prevention and methods of dealing with them, special police services to prevent juvenile crimes and dealing with various problems and the effects of mass media on them were studied. The result of the research was that the concept of juvenile delinquency should be limited to violating the criminal law or rebellious acts that are widely dependent on the stages of age development and the nature of adolescence (5).

Two general reports were presented to the Second Congress on "Prevention of All Kinds of Criminal Results of Social Developments and Related Economic Developments in Less Developed Countries." These reports examined the relationship between political economic development and crime prevention in the light of information related to anthropology, environment, economics, culture, urban planning, industrialization, and immigration. In this congress, it was recommended that urban planning and social policy should be applied to the problem of crimes. It was claimed that social disruption usually precedes the formation of social laws and new values, and orderly social transformation is not easily achieved.

The participants in the congress acknowledged that rapid changes in economic and cultural conditions can be seen in nations with a history of long membership in the United Nations, such as newly independent nations. In this way, examining economic development and having experts is not a one-way way to escape from crime. Economic development full of disorder and inequality can also be a stimulus to commit criminal acts.

### **Third Congress, 1965**

The third congress was opened in Stockholm, Sweden, with the ambitious title of "Crime Prevention and Recidivism". The work of the Congress was largely supported by the Swedish hosts, who had a wealth of national experience in crime prevention. Acting to prevent crime, stop returning to crime, and examine preventive policies and programs and how to deal with young people who are prone to committing crime in the society, under the title of "social changes", the effects of urbanization, public opinion, education and breeding and migration were discussed (5). 74 governments, 39 non-governmental organizations and all specialized organizations were present at the previous congress in Stockholm.

### **Fourth Congress, 1970**

This was the first congress that opened outside of Europe and for the first time in Tokyo, Japan. The number of participants decreased dramatically, but the number of government representatives increased to 85 people. The fourth congress was opened with the slogan "crime and development". Its results focused on the necessity of crime control and prevention tools with reference to "social defense policies" for the foundation of the nation's development program. Most of the discussion was based on the notes prepared by the Secretariat and the World Health Organization and the reports of a special group of experts. They emphasized the necessity of social planning for the development of economic growth and higher standards of living, and at the same time, crime and delinquency, which can be the result of the collapse of traditional life structures. But it was emphasized that development is not the main cause of crime, but crime is an obstacle to development, and the occurrence of crime increases due to unplanned economic growth (5).

### **Fifth Congress, 1975**

The fifth congress on the prevention of crime and methods of dealing with criminals was held in Geneva, the place where the first congress opened. Again, the number of government representatives increased to 101, and participants from specialized agencies gathered with the presence of Interpol, and the Organization for Economic Co-operation and Development (OECD). The title of the fifth congress was "Crime prevention and control, the challenge of the last quarter of a century". Accordingly, the Congress was faced with some special issues more than before. These issues were:

- Developments in the shape and size of criminality at the national and transnational levels;
- Crime as a profession and organized crime;
- The role of criminal legislation, judicial proceedings and other forms of crime control or prevention; ▪ How to deal with criminals under arrest or criminals in the community with special reference to the implementation of minimum standard rules;

- Economic and social consequences of crime (including damages caused by crime) and new challenges regarding research and planning;
- Alcohol and drug addiction;
- Compensation to victims of crime as an alternative to punishment in criminal justice.

In this congress, the declaration document related to the protection of individuals from torture and other violence involving inhuman and degrading treatment or punishment was approved. Violence against women was discussed for the first time in this Congress.

In this Congress, the document "Declaration on the protection of persons from torture and other violence involving inhuman and degrading treatment or punishment" was approved. The aforementioned declaration was taken from the General Assembly Resolution No. 3452 dated December 9, 1975 and led to the formation of the next agreement on that issue. The general conclusions reached by the 5th Congress focused on the decisive role of social justice in crime prevention, the importance of coordinating criminal justice programs within a balanced national social policy, and the importance of respecting human rights.

### **Sixth Congress, 1980**

The United Nations Congress on Crime was held in Caracas, Venezuela, with the topic of investigating crime prevention strategies, youth delinquency, abuse of power, and deinstitutionalization of disciplinary measures (2). The main theme of the Congress "Crime Prevention and Quality of Life" was crystallized in its first working declaration: "The success of the criminal justice system and crime prevention strategies, especially in the light of the growth of advanced forms of crime and the difficulties faced in the implementation of criminal justice. has taken, all depends on the progress achieved around the world in the field of development of social conditions and increase in the quality of life" (1).

The investigation of juvenile delinquency, which was partially confined to the Second Congress, was brought up again. The emphasis of Congress was placed not only on the implementation of the guarantee of criminal executions for juvenile offenders, but also on the conditions of social justice for all children so that they would no longer be inclined to commit crimes. The Declaration of Caracas, with its minimum standards and criteria for youth justice, public participation in the prevention of delinquency and the abolition of extrajudicial executions, was adopted by the United Nations General Assembly in 1980.

### **Seventh Congress, 1985**

This Congress is the most well-known work program that has included an appropriate response to nations to show the political and economic factors related to committing crimes with the subject of international cooperation in the field of criminal justice and crime prevention. The congress was held in Milan under the title of crime prevention for freedom, justice, peace and development, and for this reason, it is called the work program. The development of issues related to the limits of UN criminal justice led to discussions about an imposed agenda. 21 important fundamental documents rooted in the General Assembly, in addition to previously presented reports on regional and extra-regional preparatory conferences, were prepared for the Congress.

The work of the Congress was organized according to five major themes: "The New Dimension of Crime and Crime Prevention at the Margin of Development" continues and advances the interests of the United Nations in the relationship between social development policies and criminal justice systems. Fraud and committing crimes in international trade and property transfers is one of the investigated areas.

"Criminal Justice Processes and Dimensions of World Transformation" provides the need to revise, modify or re-apply the functioning of the criminal justice system.

"Victims of Crime" raised the rights of victims of crime and abuse of power, compensation and restitution of programs and tools that help them through the criminal justice system.

"Youth, Crime and Justice" conveyed to the members the sensitivity of the United Nations regarding the highest percentage of criminal offenders.

"Formulation and Application of United Nations Standards and Rules of Criminal Justice" established a revision of the value of the United Nations document on the scope of criminal justice and its scope of application among member states.

In addition to the Milan work program, five other important international documents established rules and standards that were unanimously adopted:

- Guiding principles for crime prevention and criminal justice in the development environment and the new international economic system.
- Model agreement on the transfer of foreign prisoners and suggestions on how to deal with foreign prisoners.
- Declaration of basic principles of justice for victims of crime and abuse of power;
- Basic principles for the independence of the judiciary.
- The United Nations minimum standard rules for the implementation of juvenile justice;

A little later, in the 10th year, the General Assembly of the United Nations approved the first three texts and approved the declaration and standard of minimum rules.

### **8th Congress, 1990**

The United Nations Congress on Crime returned to Latin America in 1990. The 8th Congress was opened in Havana, Cuba with the slogan "International Crime Prevention and Criminal Justice in the 21st Century". Later, the sensitivity about the theft of ancient treasures, risky price gouging through the sinking of goods in the ocean waters, trading of prohibited drugs and the terrible relationship between drug addiction and AIDS and its prevalence among the prison population increased. Despite the growing body of information and experience relating the criminal justice program to economic and social development, it was claimed that an international debt crisis caused reductions in basic commodity prices and a general outflow of capital from many developing countries. It raises the concern of lack of development in these areas.

Reflecting these fears and hopes, the 8th Congress presented other international documents more than the total documents of the previous congresses. The five types of treaties that were recommended to be approved later by the General Assembly include multilateral agreements on the extradition of criminals, multilateral cooperation in criminal proceedings and other matters, transfer of proceedings in criminal prosecutions, transfer of supervision of criminals and

prevention of Crimes against the cultural heritage of the people. The six major documents adopted set guidelines for criminal justice system standards that ranged from non-arrest measures to juvenile delinquency prevention.

The resolutions that were prepared in Havana, while paying attention to other matters, computerization of criminal justice matters, the issue of indigenous violence, the use of children as tools in criminal acts, the role of criminal law in preserving nature and the environment, corruption in the government and measures to prevent He discussed the prisoners' infection with the AIDS virus (HIV). In a resolution expressing actions against international terrorism, the Congress asked the governments to take international and national action against terrorism. An addendum to the resolution listed areas of particular concern to Congress. Among them, government policies and procedures that can consider violations of international treaty obligations, The lack of specific rules on the responsibility of the state in fulfilling international obligations, the misuse of diplomatic immunity, the lack of international regulations on the arms trade, the lack of international mechanisms for peaceful solutions to wars and the implementation of human rights, the existence has it.

The addendum called for greater uniformity in laws on territorial and extra-territorial jurisdiction and multilateral cooperation between member states' police, prosecutors and judiciary. It also recommended considering the possibility of forming an international criminal court or other international mechanisms with jurisdiction over crimes, including crimes related to terrorism and illegal trade in narcotics or psychoactive substances.

### **9th Congress, 1995**

New action in the fight against international crime syndicates, terrorism, environmental crimes, violence against women, illegal trade of aliens and corruption of public officials was recommended by the congress that opened in Cairo.

In a message to the Congress, which was opened in his native country, Potrous Ghali, the Secretary General of the United Nations, said: "Crime in its various dimensions and forms is an issue that requires coordinated international action with close cooperation between governments. ". Emphasizing that the United Nations views crime as an important issue for development, he stated: "Economics in crisis or in a difficult stage of transformation need the cooperation of the international community in fighting the dangers caused by crime." Congress endorsed a draft resolution calling for attention to the relationship between terrorism and organized crime and for coordinated international action to combat both. Several representatives and experts noted that the condemnation of both types of organizations should not mean that terrorist organizations are simply subsidiaries of crime syndicates. Such identification can lead to injustices against organizations or groups of people who are unfairly called "terrorists". The latest resolution passed by Congress condemned acts of terrorism and recommended that the Commission examine other links between these acts and transnational organized crime.

The first United Nations crime-related congress in the African continent and the first congress that opened in the Arab world was held with the presence of 1,732 people from 138 governments and governmental organizations, 48 non-governmental organizations, and 22 international agencies.

In another action, the Congress requested the opinions of governments regarding the possible emergence of new international documents such as a treaty against transnational organized crime. The resolution suggested that such a treaty should include arrangements for international cooperation in the investigation, prosecution and judicial stages and for the prevention of money laundering and its control.

Another resolution called on the governments to facilitate transnational criminal investigations regarding the extradition of criminals, related reporting regulations, exchange of evidence and cooperation in finding individuals, serving subpoenas and conducting inspections and arrests. The said resolution also requested the establishment of more detailed rules regarding the registration of imported vehicles as a tool to combat the surface trade of stolen vehicles.

A strongly worded resolution urges governments to adopt laws against acts of violence that can victimize women and to guarantee enforcement against rape, domestic violence, sexual abuse and all acts harmful to women, including traditional practices in some paralyzed societies. Forced sex. Legislation to prevent women or their families from being harassed, threatened, or intimidated, and laws to regulate the acquisition and stockpiling of firearms at home, were recommended by a similar resolution from Congress. Governments were required to pay particular attention to women's vulnerability to violence, including murder, torture, organized rape, and sexual slavery in situations of armed conflict. The investigations carried out with the presence of all members and a wide range of working groups that presented research plans, led to the following wide range of discussions:

An unprecedented discussion about the corruption of public administrations was conducted by a panel of five experts. They pointed to the mutual and increasing influence of corruption cases and transnational criminal organizations. It was stated that corruption affects all countries, although it is usually rooted in the commercial opportunism of investors in industrialized countries. Some recommendations were made during the discussions of the participants in the congress and the members of the delegations. A congressional task force examined the benefits and financial problems of using criminal justice systems to protect the environment. The aforementioned forms of environmental crime include illegal destruction, smuggling or theft of cultural heritage, and newer forms such as the illegal release of genetically engineered organisms. Recommendations were made on the development of a detailed list of environmental crimes, and specific policies and prosecuting institutions were deferred until the ratification of an environmental treaty. It was also recommended to establish a global environmental protection organization under the supervision of the United Nations.

Another innovative working group examined the role of mass media in crime prevention. Outspoken statements by journalists from Russia, Kenya, India, the Philippines, and the United States of America emphasized the importance of mass media's regulatory function and its ability to prevent crime. Participants recommended that the United Nations re-emphasize the "great importance of a free press as part of the democratic process" and provide tools to counter the negative effects of mass media on young people. They also asked the governments to implement educational measures to ensure that crimes against the environment in the mass media are

recognized as criminal and moral crimes, and through the mass media, to develop ways to eradicate violence against women, promote Encourage their dignity and rejection of negative behavior in this regard.

A working group on urban policy, successful prevention policies including deep participation in criminal justice systems, design appropriate to the complexities of construction and public spaces, consultation between government institutions and the private and public sectors, and strengthening social safety nets. Analysis put. While highlighting solutions to combat crime, participants warned against ignoring the growing sense of urban insecurity. In addition to the working group, a variety of specialized conferences were held by non-governmental organizations. One of those conferences, which was held by the International Advisory, Expert and Scientific Council of the Criminal Justice and Crime Prevention Program of the United Nations, presented a comprehensive document on the relationship between crime and immigration.

### **10th Congress, 2000**

This congress was held in 2000 in Vienna, Austria, with the participation of governmental and non-governmental organizations in addition to members of the United Nations. In this congress, the focus of discussions was on organized crimes; Because in the same year, the United Nations sought to approve the "United Nations Convention against Transnational Organized Crime", so it was natural that in cases of such crimes, ways of cooperation between governments to fight these crimes and develop appropriate solutions In order to fight against them, special issues should be raised. For this reason, the 10th Congress in a statement titled "International Cooperation to Combat National Organized Crime" discussed the strategies of this cooperation.

In this statement, measures such as fraud against international financial institutions, unfair competition in the international market, industrial espionage, administrative corruption and bribery of government officials, human trafficking, organ trade, drug trafficking, crimes against the environment, computer crimes theft and smuggling of cultural and artistic property, money laundering, etc. were introduced as examples of organized crimes. It was also emphasized in this statement that this crime not only includes the activities of terrorist groups and organizations, but also includes the violation of condemnations and sanctions imposed on countries by the international community, as well as aggression against countries in the form of war and genocide. In this congress, other statements were issued about the fight against terrorism, administrative corruption and money laundering.

The main topics discussed in the 10th Congress are:

- Improving governance and law enforcement and strengthening the criminal justice system
- International cooperation in fighting supranational crimes
- Communication between criminals and victims, fairness and responsibility in the proceedings

### **11th Congress, 2005**

The 11th Congress was held in Bangkok in 2005 with the theme of collective actions and reactions, strategic alliances in preventing crimes and expanding criminal justice. Five basic issues were on the agenda of the Congress, which were:

Effective measures to fight transnational organized crime

International cooperation against terrorism

Corruption, threats and trends in the 21st century.

Economic and financial crimes, challenges to sustainable development

Converting criteria into action, implementing criteria in the field of crime prevention and expanding criminal justice, which intensive training courses were held on these issues.

The Commission for the Prevention of Crimes and the Development of Criminal Justice of the United Nations was assigned to prepare the text of the draft declaration to be submitted to the Congress. Crimes and the development of criminal justice were submitted to the United Nations for appropriate consideration at its next session in May.

### **12th Congress, 2010**

The 12th Crime Prevention and Criminal Justice Congress will be held from April 12 to 19, 2010, corresponding to April 23 to 30 of this month, in Salvador, Brazil. The aforementioned congress with the theme "Inclusive solutions for global challenges: crime prevention and criminal justice systems and their development in a changing world" hosted by the Brazilian government and on the occasion of the 55th anniversary of the first United Nations Congress on Crime Prevention and the expansion of criminal justice is held. This congress is a global forum that brings together politicians and lawyers with various expertise in crime prevention and criminal justice from all levels of society, and it is expected that 3 thousand people, including high-ranking delegations from 120 countries, will participate in this meeting to Organized by the United Nations Office on Drugs and Crime.

children, youth and crime; terrorism; Crime Prevention; Trafficking of immigrants and persons; money laundering; cyber-crime; International cooperation in the fight against crime and preventing violence against immigrants and their families are eight issues that are on the agenda of this congress.

### **Conclusion**

Today, the prevention of crime, as it exists at the regional level, has also received the attention of international organizations. Regarding preventive diplomacy, it should be said that with relatively small resources today in many regions, these preventions have yielded relatively tangible results and They help save human lives and preserve development gains. Preventive diplomacy is a method that may not be effective in all situations and is faced with failure and risks and challenges, but it should be noted that preventive diplomacy is not optional, but necessary.

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