



Artículo de investigación

The globalization of criminal law focuses on organized crime

La globalización del derecho penal se centra en el crimen organizado

A globalização do direito penal concentra-se no crime organizado

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Abstract

Globalization as a process that has been introduced in various areas of human life is also a prerequisite in the field of criminal science; because international crime has spread and no country is safe from some of the world's crimes. Regarding to extending the scope of delinquency transform identity and transformation of the crime from traditional to international organized crime and the impossibility of the renditions of many international fugitives and the spread of Information and Communications Technology (ICT) in committing crimes, the only way to combat and prevent such new crimes is to find them and analyze them from the domestic and international levels. In this paper, using an analytical description method, we attempt to explain to globalize criminal law in the fight against organized crime.

Keywords: Globalization, Delinquency Prevention, Criminal Law, Organized Crime

Resumen

La globalización como un proceso que se ha introducido en diversas áreas de la vida humana también es un requisito previo en el campo de la ciencia criminal; porque el crimen internacional se ha extendido y ningún país está a salvo de algunos de los crímenes del mundo. En cuanto a extender el alcance de la delincuencia, transformar la identidad y transformación del crimen del crimen organizado tradicional al internacional y la imposibilidad de las entregas de muchos prófugos internacionales y la difusión de las Tecnologías de la Información y las Comunicaciones (TIC) en la comisión de delitos, la única forma de combatir y prevenir tales crímenes nuevos es encontrarlos y analizarlos desde el nivel nacional e internacional. En este trabajo, utilizando un método de descripción analítica, intentamos explicar para globalizar el derecho penal en la lucha contra el crimen organizado.

Palabras clave: globalización, prevención de la delincuencia, derecho penal, crimen organizado.

Resumo

A globalização como um processo que foi introduzido em várias áreas da vida humana é também um pré-requisito no campo da ciência criminal; porque o crime internacional se espalhou e nenhum país está a salvo de alguns dos crimes do mundo. Em relação à ampliação do escopo da delinquência, transformar a identidade e a transformação do crime do tradicional ao crime organizado internacional e a impossibilidade das extradições de muitos fugitivos internacionais e a disseminação da Tecnologia da Informação e Comunicação (TIC) na prática de crimes, a única forma de combater e prevenir tais novos crimes é encontrá-los e analisá-los nos níveis doméstico e internacional. Neste trabalho, usando um método de descrição analítica, tentamos explicar a globalização do direito penal na luta contra o crime organizado.

Palavras-chave: Globalização, Prevenção da Delinquência, Direito Penal, Crime Organizado.

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Introduction

Over two decades of globalization, more than two decades have not passed since the era of globalization and for that reason; its dimensions are still unclear:

But it can be said that the purpose of globalize rights is not to impose the same legal order of all human beings, but also finds common elements of law and the agreement on subconscious commonality by recognizing locally and each difference.

Since there is a multi-faceted relationship between globalization, economics, law, government, and democracy: Each influences on one another and affects it and the sum of these interactions changes the function and even the nature of the state. Globalization has come about including the emergence and expansion of multinational corporations and their increasing role in the global economy, the growth of technology and the consequent reduction of geographical distance in trade exchanges the permeability of political boundaries.

Perhaps the law is the last of the sciences to react to globalization and to analyze it.

The phenomenon of globalization of criminal law reflects the process of legal history and the logical result of political, philosophical doctrines and the doctrine of international criminal law.

The conflict between national criminal systems and manifest the conflicts within dominating judicially and executive legislation on the one hand, And the lack of credibility of foreign criminal sentences in most countries on the other, has led the global system to focus on globalization criminal law, followed by globalization prevention and punishment.

The conflict between national criminal systems and manifest the conflicts within dominating judicially and executive legislation on the one hand, And the lack of credibility of foreign criminal sentences in most countries, however, it has led the global system to focus on

globalization criminal law, followed by globalization prevention and punishment.

Although, in contemporary times, criminal law was defined as express the sovereignty of the state and to maintaining public order, and the principle of the territoriality of the criminal law was considered absolute and unconditional. But today, for preventing crime, we are globalization that has no internal dimension.

Iran has taken effective steps to counter globalize crime prevention through the approval of coöperation agreements on security coöperation and other agreements with other countries at the regional and global levels.

First topic - Definitions and concepts of organized crime

In this article, during the six speeches, the definitions and types of organized crime feature that have these crimes, making them compatible with other crimes as well as the effects and aims of these types of crimes a feature that criminal organizations have organized crime and the causes of the spread of these crimes.

I. Definitions of Organized Crime

For organized crime, there are many definitions that, despite their differences, are all in common sense. In a short definition, "Organized crime, the planned commission is a significant crime of gaining a benefit or power. Shares of more than two partners in a long or unlimited time played a role through trading or semi-traded structures or using violence or other means of the threat or through influence in politics or the media or the public administration, the judiciary or the economy, and working together. Or the criminal activity of the pensioner is being coöordinated. This definition also extends the scope of organized crime to the extent that it involves all offenses committed with the participation or deputy of two or more persons. Both the number of perpetrators and the type of verb committal and the terms and conditions, and in terms of the number of





perpetrators and the type of the act of committing and the conditions and characteristics, does not have a comprehensive meaning and is not an obstacle and can not be the basis of the related topics.

In another definition that is the case of criminologist's organized crime is a criminal offense committed by a trafficker that is required to profit in pursuit of illegal activities. This definition of the number of perpetrators and the organization of crime and collusion between criminals and the role played by each of them is silent and so is not a comprehensive definition.

2. Causes of Legal Expansion of Organized Crime

In brief, the following factors may be involved in the spread of organized crime in the community:

A. Group Crime Commitment in Organized Crime

It has been proven in criminal psychology that it is easier for a perpetrator to commit a crime if there are crime group and band, and so on. A person with less concern and fear of committing a crime, Because first, people who find someone as like as themselves and has partners in committing a crime which provides planning for committing a crime and bring him closer to his criminal purposes.

Secondly, existing partners and deputies in committing a crime cause the role of the perpetrator in committing a crime during the pursuit and trial is less than the time he committed that crime alone and as a result psychologically that person predicts fewer penalties In case of prosecution and trial or himself. Thirdly: With partners and deputies presence because with many perpetrators and proper planning and designs, the person with more confidence will perform the relevant mission. Fourthly, in such a case, the danger of arrest, seizure, prosecution, trial, and later punishment is far less than when a person commits a crime individually and traditionally; because in organized crime, a group is in charge

of planning and committing crime in a way that is less likely to be arrested and seized. And another group seeks to corrupt law enforcement officials and, as a result, end the grounds for arrest and prosecution and another group that actually has back up mission committing crime, by rescue operations, threatening and intimidating the detained person or preventing the court and tribunal concerned with the case from being seized, prosecuted, sentenced or sentenced severely and ultimately because committing crimes bring significant economic benefits. It is more effective in attracting delinquent people.

As a result, the group committed crimes from one side to cut the dangers of committing a crime, and on the other hand, increases the likelihood of achieving significant benefits.

The second point is the imbalance between the deterrent facilities and the possibilities of organized criminals.

During most country's crime-fighting capabilities, including the traditional crime prevention tools and crimes are traditional. However, organized offenses have modern and advanced facilities in many cases, especially in transnational crime. If in the past treaties between criminals were exchanged in a tangible and objective way or their conversations were done remotely by telephone. Today, with the use of new facilities and through e-commerce and sending letters by email (e-mail) and the like, transnational organized crime, the police are not able to get criminal evidence. Today, with the use of new facilities and through e-commerce and sending emails and the like, by transnational organized crime (TOC), the police are not able to get criminal evidence. On the other hand, due to globalization, the opening of the borders between countries, the free economy and the inaction of governments in the market and so on criminals easily cross borders and keep themselves out of the reach of the internal police and the same thing has doubled the problem of pursuing and arresting perpetrators. In addition to the above mentioned, today due to the need to see the rules of the rights of citizens from the police and other preventive institutions and to

respect the right of privacy of people, many of the crimes committed in secret are hidden from the eyes of police officers. As a result, Police in many cases commits organized crime loses the possibility of direct confrontation. In other words, while preventing and suppressing traditional crimes by controlling these crimes by police is easy, the possibility of controlling organized crime by the police due to an imbalance between facilities is much lower.

3.the spread of criminal matters

Nowadays, with developing knowledge and technology the scope of crimes has expanded significantly and this expansion due to their committing in an organized way and with a new tool has decreased the possibility of arrest and prosecution of perpetrators. If in the past crimes such as theft, fraud and forgery were possible in the real, material and objective atmosphere today, these crimes and crimes such as this could be possible not only in the real space but also in cyberspace. By entering into the sites of banks and other economic institutions it is possible to take another's property and as a result, commit fraud; by making unrealistic writings and attributing them to people could imposing material and spiritual losses on them. On the other hand, by creating various pornographic websites and providing pornographic images and inviting clients there could be making much financial crime and prevalent of prostitution and created various uncontrollable crimes in virtual spaces. The crimes that have arisen as a result of the spread of science and technology are often committed in an organized way, while access to their centers is difficult and as a result, provides reliable revenues to their perpetrators without fear of seizure and prosecution.

4.Increase the income of criminal activity and cut the cost of committing these activities

Most examples of organized crime, such as drug trafficking, trafficking in women and children, trafficking in refugees, computer crimes and the like, despite the low-cost of doing so due to cooperate the gang members in committing it and distributing its costs including material and

immaterial costs among the perpetrators give offenders huge profits

For example, revenues from drug trafficking are estimated at more than \$ 500 billion a year, which after the arms trade, it earns the highest income. Other cases of organized crime also have such a situation due to customers on the market. This leads to the motivation among the criminals to commit these crimes.

5. Legal gaps and non-compliance with traditional laws with related offenses

Due to the fact that many instances of organized crime and their lack of criminalization in the criminal law of many countries are new, committing such activities without the cost and guarantee of execution is criminal and the perpetrators are comforted by their imagination.

For example, activities such as smuggling women and children, trafficking in organs, smuggling of migrants, money laundering, computer crimes, nuclear smuggling and the like, have not been criminalized. Or if a certain criminal code imposes on some of them it is very traditional and the prosecution cannot prevent the commission of such crimes. On the other hand, in cases where, according to the traditional rules of criminal law, the guarantees of the necessary actions are foreseen, in the case of organized crime, these rules do not work. For example, one of the features of organized crime is the existence of a hierarchy. In this hierarchy, although apparently, the role of the eye and the role of the stewards is a crime, in fact, the leaders and masters of the organization of crime design and direct, their corrupt role is greater than that of stewards.

In terms of the traditional rules of criminal law, these leaders and senators are considered to be deputy crimes. Their punishment is at least a punishment for offenders and this situation is not consistent with the criminal law of that act of justice and the establishment and consolidation of public order. Due to the sovereignty of this situation, professional





criminals and thinkers, by forming a criminal gang and leading it, and keeping themselves away from the scene of physical operations of crime, with the lowest possible punishment, earn the most income from crime. Despite the significant difference define organized crime, criminal science scholars agree on the severity of the manifestations of this crime, as the 21st century is a century of organized crime. The threat of organized crime, especially because is planned and guided by experienced leaders and with special and continuous facilities. And to do their criminal purpose of paying bribes and concessions they have bought executives policemen executives, judges, and handlers or by force pressure and violence, they force them to silence. Unfortunately, with the advance of science and technology and the ease of crossing borders and the development of telecommunications technology organized crime has crossed the border in a transnational aspect and in some cases internationally. This phenomenon has increased the risk and threats posed by organized crime. Considering the fact that the perpetrators of organized crime are seeking more profit and material benefits, not only they commit criminal activity, but also in some cases with seemingly legal activities seeking to gain power and conquer parliament. In this way, in addition to abolishing the laws of conflict with their interests, they dismiss and install managers, according to their group interests and thus cut the risk of committing their illegal acts. And they easily increase their illegitimate earnings by committing white-collar and money laundering. Organized crimes, especially when criminal organizations take power, not only cause economic, social and administrative corruption but also jeopardize democracy and national security and international order.

6.Feature of Organized Crime

The first is the organization and networking of criminal groups, in such a way that there is a permanent and planned the relationships between the group and this is not a coincidence.

Part Two - Transnational Relationships and Activities in Several Countries, at least between three or more, this feature distinguishes such offenses from internal crimes. Third, the severities of the crimes which mean the crimes that take place are more severe and violent.

Clause 4 - Economics, which is one of the main goals and cannot be considered as the nature of the crime. In the draft Palermo Convention of 2000, Article 2, "Crime Offenders", is a feature of organized crime characterized by organized crime.

And on the basis of which the provisions of the Convention should apply only to "serious crimes." This feature was accepted at the Palermo Convention, and only crimes covered by the Convention were enforced by the criminal organization and punishable by at least four years' imprisonment; therefore, only the feature of organized crime that is related to the nature of the crime is intense.

4- Features of Criminal Organizations

The criminal organization has the following features:

Clause I – The criminal organization or group is non-ideological

This feature implies that an organized criminal group, commits the crimes only for economical purposes and to obtain material benefits and does not commit crimes with religious and political concerns. The purpose of this group is only to earn money and get power and material benefits. Although these groups may sometimes approach to political struggles, their main goal is not to get political power in these struggles, but they aim to strengthen economic power, abolish laws that are in contravention of their criminal and economic objectives, and enacting laws facilitating certain activities, and eventually gaining executive powers, etc., to protect and immune the

organization and its members from administration of justice.

Clause 2 - The existence of a hierarchy

Since the crimes in question are committed in an organized manner, an active organization that is capable of designing, colluding, guiding and committing crimes is necessary. Due to the presence of organization and governance of the organizational hierarchy, this organization needs administrators and managers, each, with a special position in it and under the supervision of their superiors, do their duties; even in some criminal organizations, the hierarchy is very extensive and like the governmental organizations, there is a special order in these organizations.

clause 3 - The continuity of crime over time

In many cases, some people may be brought together to commit a specific criminal act, by co-ordination and consultation for a single time; Although such crimes are carried out with sympathy and organization, but they are not considered organized crimes. What is needed is that the criminal group is formed for a long time and unlimited to a specific period. Hence, some criminologists do not consider gangsta crimes, which are committed for a limited time and in certain areas, to be organized crime.

Clause 4- Committing administrative corruption

One of the most important and dangerous features of organized crime groups is deploying administrative corruption. Since the criminal organization seeks to obtain benefits or illegitimate power and to achieve these interests, commits various criminal acts, its members may be prosecuted for these crimes. In some cases, in the process of committing crimes, when it is necessary to carry out part of their work in government departments, some administrative provisions, prevents them or hinder from improving their activities. In such cases, in order to keep its members from prosecution or to accomplish its current affairs in government departments, they attempt to corrupt top executives and administrative staff and, as much

as their economic power increases, their corrupt ability is greater, to the extent that, in some cases, by interfering in parliamentary elections and attempting to send their desired representatives to the parliament and obtaining necessary successes in this regard, they try to provide the context for abolition and revision of laws, contrary to their economic interests, and seek to enact laws to justify their illegitimate activities, or by penetrating the judicial system or corrupting judges, they protect themselves from prosecution, and continue their illegal actions, providing a wave of widespread administrative corruption in the community.

Clause 5 - Use of Intimidation and Violence

In many cases, criminal groups face rival groups, in other cases they encounter agents who refuse to cooperate with them in exchange for bribes and the like. In some cases, even those officials who previously collaborated with them in exchange for a bribe, are no longer willing to continue it. The organized crime group considers all three of these factors to be preventing them from achieving its goals, and by intimidating the third group and threatening to disclose their former cooperation and using violence against the other two groups, and, if necessary, eliminating them continues its activities.

In addition to the important features mentioned in most of the organized crimes, some investigations into this field have also mentioned other traits for the criminal organization, including the division of tasks professionally, among the members of the criminal group, the supply of illegal goods and services, tax fraud and other governmental duties and money laundering, some of which are characteristics of large multinational criminal corporations.

Second topic - Analysis of the cross sections of organized crimes in the context of globalization of criminal law

The globalization of criminal law is an important and undeniable matter for all countries. Today controversy over the globalization of criminal law, like other aspects of





globalization, as an inevitable process, or a predetermined program, is an abandoned and ineffective discourse, because on the eve of the third millennium, the globalization of criminal law has become accelerating in such a way, that it can be considered both a program and a process. On the one hand, globalization is predetermined by the program or project, that is first designed in the form of a global binding criminal documents, and then the formation of a European Regional Court and the International Criminal Court.

On the other hand, globalization has been shaped by a coercive and inevitable process, and, considering all elements, it will project its shadow over all governments and nations compulsorily. The globalization has had positive and at the same time negative consequences. One of the negative aftereffects of globalization there is a unanimity about, is the emergence of certain crimes that have been added to the national-local specific crimes of each country or region. A prominent example of the process of globalization, the emergence of cybercrimes in the borderless environment of Internet and telecommunications, and consequently criminal jurisdiction in this environment, so that the regulation of the global space of exchange of information and procedures for cybercrime and to take preventive measures against them, can not be done except through international and regional cooperation. In addition, internationally-occurring crimes, are organized crimes. The major manifestations of global crimes, or in other words, transnational crimes committed with profit or violent motives, can be seen in phenomena such as smuggling of migrants, drug trafficking, organ trafficking, trafficking rare and protected species of animals, Smuggling of historical and cultural monuments, purging criminal incomes and capital, and terrorist acts ... The most important ones are discussed in this article.

First clause- Cybercrime and Globalisation

In sum, cybertech, despite all its benefits, has been crucial in facilitating illegal activities and developing crimes by using newer methods. As with other technologies, new communication

technologies, on the one hand, advances the possibility of human relationships development, and, on the other hand, it provides new threats.

The Internet is like all the creatures of the modern age, a two-edged knife. The world governments, due to the increasingly unpredictable pace of growth of the Internet, both in terms of geographic expanse and especially in the various ways in which information is transmitted and the establishment of free organizations in the Internet can not dominate all its dimensions yet, and this is a blessed gift for all those who want to freely deliver their messages to others.

But this space, with the facilities makes available to the perpetrators, facilitates the commission of crimes on the one hand, and makes much more damage to the physical world, and on the other hand, in terms of its transboundary nature and the possibility of committing crime with no need for physical presence of criminals, the process of following, prosecution, and eventually arresting them has faced so many problems. The only drawback of this space as a virtual universe is that it can not have a virtual judicial organization, so in such a space there is no proof of any charge.

The Internet has a global construction, and this raises the question of control. Hence, international co-operation is required

But as long as there is not a common approach among nations to deal with cybercrimes and criminals, even if criminals are identified, they will again have the chance to stay free and to continue their work.

The continuous development of information and communication technologies also increases the number of local computer-related crimes, which necessitate governments to draft local laws. National laws adapted to deal with computer crimes may need to be effective in responding to foreign requests for help or receiving assistance from another country

When drafting laws, co-ordination with the laws of other nations is a crucial goal;

international cooperation is required due to the transnational nature of computer-related crimes. International formal mechanisms are needed to respect the sovereignty of the countries and facilitate international cooperation. In order to mutual legal assistance be successfully carried out, fundamental offenses and penalties and in a jurisdiction should be enforceable and consistent with similar cases in another one.

Second clause- Money laundering, Corruption and Globalization

Administrative corruption is a crime that is usually associated with abuse of power.

According to the crime opportunity theory, the purpose of taking over the fundamental (primary) power is to provide basic opportunities for committing profitable crimes, which validates the assumption that power corrupts. In identifying the causes of the crimes in question and misuse of power, it can be said that in cases where these crimes are caused by personal greed and personality weakness, it is often due to precisely interconnected social, economic, and political conditions facilitating the occurrence of such crimes; Such conditions may need to be corrected.

Corruption may be transnational or local. Typically, it's easier and more secure for government employees to spend large amounts of earned money in international transactions instead of local deals.

Even a scam is done by one or several senior officials in a country, the need to transfer money to the overseas, implies an international factor. Therefore, the report focuses on the transnational aspects of corruption, while not ignoring the fact that, in some circumstances, large amounts can be wasted at the national level. The risks arises from administrative corruption, gets bigger and worse by its bilateral relationship with the transnational organized crime. In the changing world, long-term results of this relationship deserve attention and taking measures. International cooperation is particularly important, given the complexity and flexibility of organized transnational criminal

groups. It has been accepted that a major objective of any strategy to nullify the impact of organized crime should be to control administrative corruption and to cut off the linkage of organized crime with political authorities and criminal justice. The bribery of administrative staff, influential politicians and private enterprise employees is a special tool employed by organized crime to ensure protection and escape from detention, it is also used to prevent the failure of its international activities. Also, considering the definition of money laundering, ie, concealing the illicit source of proceeds from a crime, brings out another clear relationship between administrative corruption and organized crime. In large-scale embezzlement cases from public funds, criminal employees are often keen to keep property that they have acquired from being discovered and refuse to exchange it in the political atmosphere that may lead to vulnerabilities in these funds and result in confiscation of property. Administrative corruption has always been one of the most appropriate tools of organized crime and one of the components of business strategy and its design. The money paid as a bribe is considered to be a good investment by organized crime executives, which is a reasonable expense to do business and increases the chances of success, while even reduces the risks of detention, prosecution, imprisonment and subsequent damages resulting from the successful implementation of the law. Strengthening international cooperation is essential in the fight against transnational crimes. While criminal companies are effectively working beyond geographical, linguistic and legal boundaries, criminal justice officials struggle to achieve even slow, incomplete, and insufficient cooperation.

The harsh and rigorous legal systems with old and obsolete methods obstruct any changes while the flexible criminals become more powerful in the global economic system and national societies. If transnational criminals adapt themselves to the changing global environment, faster than the governments, they will become stronger, take more control over the resources, and earn huge incomes from the pockets of lawful societies.





Unlike governments that have to comply with the rule of law, criminals do not have moral or legal constraints. Moreover, undeniable improvements in the achievement of international cooperation in criminal matters are under way. However, rapid improvements in the ease and frequency of transboundary cooperation has long been delayed. If transborder crime is to be effectively controlled, the method of extradition, bilateral assistance, asset seizure and other forms of international cooperation should be transformed, and this should be done more quickly. In the fight against money laundering, countries should also comply with and enforce the following instructions:

Define money laundering crimes as they exist in United Nations conventions. Coordinate more to improve the collection and analysis of world-class information, including trading and other ways of sending money. Ensure that domestic authorities have sufficient extensive powers to investigate money laundering crimes. Ensure that no bilateral legal aids are not dependent on overly cumbersome and restrictive conditions. Providing better education and information to relevant authorities and encouraging domestic cooperations. Use international co-ordination rules to ensure that criminals can not abuse new payment methods for money laundering purposes.

Third clause - the crime of drug trafficking and globalization

Today, the problem of drug trafficking is one of the major challenges facing humanity in the 21st century.

By development of societies and advancements in technology, the phenomenon has become more and more complex, with its adverse consequences caused concern of the people and the authorities of various countries and relevant international organizations.

The technological advances and material facilities of the new civilization, facilitating the production and trafficking of narcotic drugs, have caused massive psychological problems for different societies on a wide scale. Drug

trafficking is a multifaceted phenomenon that affects all of the basic components of society, so fighting it necessitates the use of all available capacities. A serious and principled approach to this phenomenon is not possible except through inclusive cooperation.

The fight against drug trafficking and the control of addiction, needs a serious social and popular movement. The material cost of this struggle is great, and there is a lot of psychological stress on the community. One of the factors that complicates the problem is the presence of smugglers in this issue. Smugglers play a disruptive role in any type of planning and action because they are not in control and behave seamlessly and secretly. Therefore, governments at both national and international levels should take steps to prevent and punish this crime.

Fourth Clause - The Crime of weapons Trafficking and Globalization

Transnational organized crimes is one of the most important problems of the international community in the twenty-first century. These crimes are committed by organized criminal groups that have three or more members, a unity of command, a strict order, with a guarantee of cruel acts and financial and material goals. One of the most dangerous activities of these groups is the illicit production and trafficking of arms. The international community is thinking about a serious fight against arms trafficking too much lately. If the international community had timely responded to arms trafficking, most of the terrorist operations could not have happened.

Some writers had clearly reminded the Taliban of Afghanistan's plans for trafficking firearms in cooperation with Pakistan in the form of criminal networks before the September 11, 2001, terrorist attacks in the United States. So that if there were serious and effective fight against this trafficking in the past years, then the events of September 11th probably would not have happened in the United States. During the Cold War, illegal firearms trade was regarded as a political issue and was enforced by some states

as one of the principles of foreign policy. In particular, in the 1980s, the methods used and those committing arms trafficking were the agents and means of government. After the Cold War, smuggling of firearms is no longer considered as a tool of foreign policy for governments but the material incentives and gaining profits overcome its political aspect. Deformation of arms trafficking into a non political issue, has been the best factor that has made governments resolute to deal with this issue.

Conclusion

Globalisation is considered as one the most complicated phenomena of the 20th century, and given its diverse implications, the governments and citizens are not heedless of it. In addition to being part of the essential needs of today's societies, globalization is an inevitable phenomenon and has grown in all aspects. But, today the globalization of criminal law and the prevention of delinquency in the global arena is an important issue for all countries, as globalization has had positive and also negative impacts on the legal area. One of the negative effects of globalization is the appearance of some crimes that have been added to the specific national and local crimes of each region or country, including terrorism, human trafficking, nuclear smuggling, and etc. that makes taking preventive measures against them impossible, except through international and regional cooperations. The major effects of globalized crimes can be seen in the phenomena such as smuggling of migrants, drugs, organs trafficking, human trafficking, nuclear materials trafficking, terrorism, cyber crimes, money laundering and administrative corruption. For different reasons, including group crime commitments, imbalance between deterrent facilities and the facilities of organized criminals, the spread of criminal subjects, high incomes of criminal activity and the reduction of the cost of committing these activities, legal vacuum and incompatibility of traditional laws with related crimes, the organized crimes are expanding. Given the harmful effects of organized crimes and their threats against the international community,

especially transnational organized crimes, various measures have been taken in the international arena to combat this crimes. Increasing regional and global interactions between governments, companies and institutions, have caused the effects of criminal conducts not to be limited to the country where the crime occurred, but its destructive effects extend to other countries. In the last years, few countries have discussed the status of laws in this area, and considering that in criminology there are specific features for organized crimes, but in domestic law, these characteristics are less considered and only committed by members of a coherent group is considered as an organized crime, and when it comes to transnational aspects, it attracts a global attention.

Organized crimes disturb economy and society's moral and security by the purpose of gaining huge profits and penetrating in economic and political power.

In organized crimes, the criminal organizations act as a hierarchy.

The size and volume of criminal activity in transnational organized crimes is much more and existence of large capital and a high level of profitability and widespread communications with similar foreign groups makes it different from the domestic organized crimes, also their power to influence on the relevant activities is more and in a networked and planned manner. So, the international community is feeling insecure and the responses of international society and organizations to the committed crimes are on the rise. For this reason, national crimes have taken an international approach and become international crimes. The criminals who were once engaged only in criminal acts in their homeland, have used the simplified exit from the borders of countries and applied new sciences and technologies and entered a regional or global scene, causing more international insecurity. The relative realization of a common criminal law and, consequently, the globalization of the prevention of delinquency, based on shared principles between states, is a practical idea but





also problematic and confronted to limitations, including the following:

Firstly, the globalization of fighting against crimes is contrary to political independence of countries, the principle of territorial jurisdiction and the dimensions of globalization, and results in confusion in the legal order and the rights of sovereignty and the rights of persons; this turmoil in the field of legal regulations is a major obstacle in the process of development of the global system of criminal law. These inconsistent factors include the diversity of legislator authorities and the ambiguity of some legal rules. The globalization process of combating delinquency is shaped in a world full of cultural diversity and a multiplicity of legal systems. The criminal law and procedure of each country represent the culture of that country, because the legal system of each country is derived from the customary practices of the people of the country and, as the culture of each country is different from another, the rules and legal principles of each country is different. The national pride, nationalism and patriot sentiments are among the factors that do not allow statesmen to easily abandon their national and domestic rules. The intention of each country to enforce its own law and believing that its legal system is the most complete one, is another obstacle to the process of globalization of preventive measures. It is not easy to neglect the diversity of laws and various legal sources and it is another obstacle.

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