



Confronting with office and legal customs within the field of avoidance due to fashion legislative documents' crime

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Abstract

One of the most important crimes against public trust and tranquility is forgery. To forge official and government documents that is to say, the documents which is to be regulated by officials in order to their legal duties, because of its proper credit and worth and also having a stronger feedback proportionate to common documents, causes to be called intensified forgery and legit labors are going to prevent penal crimes via intensification of punishments. Unfortunately, nevertheless acute punishment the toll is increasing, and re-punishment could not do any thing, and prevention must be at the level of nation wide, area and ever in offices, official office system should not assume that their maximum duty is in litigation of official deeds, forgery in justice ministry and merely to plead for punishment but they should confront and prevent it at the first priority. In the present paper, after mentioning the most usual and common methods of state deeds forgery, it has been suggested to constitute a preventive council about office special crimes with the purpose of legislation for proper regulations and submission of identical procedures. In this essay, besides social preventions, several thematic procedures such as anti citation for office special paper application, stapler instead of stamp, signature education to employees, leaving affairs of decals to special part utilization of coding system and paperless office system have been suggested.

Keywords: Prevention, forgery, state deeds, coding, and intensified punishment.

INTRODUCTION

Almost all documents nowadays are handled in a digital manner except for one very important case. It is the certificate document. Today, an authentic certificate document, that is original, cannot take a digital form. Certificate documents must be either written or printed on a paper surface or on a plastic card. For example, a driving permit or passport is always a printed matter. No digital data work as a driver's license, or a passport. All current certificates consist of information data and a base substance on which the information data is located. The base substance itself does not have any meaning. It only carries the information. The reason why a digital document is not accepted as a certificate is very obvious. All digital documents currently used are easily forged without leaving any clues for forgery detection. No one has any means to tell whether a given digital document is authentic or not.

Printed matter is believed to be much more secure, or more difficult to forge, than digital data because the printed information is generally difficult to erase and

change, and the state of the art printing techniques to defy attempts to forge documents have been developed every day. Handwritten matter, e.g., a signature, is also regarded as a difficult-to-forgo document because mimicking someone's hand writing skill and habits is not an easy task for an ordinary person. So, a certificate document often carries a signature made by an authorized person in such a way that it is difficult to separate it from the document information.

In the meantime, with the advent of the information age there is a surge of demand among people in the world that the certificate documents can be also handled in a digital manner. People hope to send and receive certificates through the Internet. The reality, however, is that people still send and receive paper certificates by way of traditional post mail with high cost.

In this situation, an invention of an unforgeable digital document system is long awaited. If invented, digital data could work as a certificate document by itself, and transmitted to any place in the world through the internet.

Currently, there are "signature certification" systems that use a public-and-private key system. However, these systems need time and cost on the user's side. This makes them unsatisfactory for everyday use.

FEATURES AND DIVISION IN THE REALM OF GOVERNMENTAL DOCUMENTS' FORGERY

If the forgery of governmental document to be known as a cheating of reality in governmental documents in one of the mentioned ways in laws, so the forgers are persons who is going to have a forged governmental document or to change it's text in order to have benefits just against government. Therefore, the reason for this group of forgers (apart from other committers of crime) is not the following to earn some benefits live, to earn money, advantage, prestige and credit. The above mentioned forgers have special features and from the view point of other criminals and can be classified as follows (Howlett et al., 2009).

Forgers of governmental documents have lots of miscellany and also a broad dimension of usual criminals and fully by random, which is merely for solving instantaneous problems, and for this reason, to commit forgery (Kenis, 1991). The other group contains organized red-tape criminals (such as forgers of notes, passport). Absolutely, the priority for prevention should be of important and organized crimes and protection of national documents. In crime of forgery, the forger can usually chose subject, time and place of crime commitment at his discretion, and then to do forgery in a suitable opportunity, far- detachment and without any fear and through all necessary possibilities, whereas about crimes such as robbery the situation is not in order (Kingdon, 1997). Felonies arising from the crime of forgery about governmental documents and addressees and (financial loops, non-materialized loops, social loops) can be governmental offices and organizations (such as forgery of cheque and title deeds of the government) or Persons (Forgery of banking documents against account owner or forgery of delivered notes) or even without direct elongation (Lai et al., 2009) . So, in preventive schedules, based upon recognition of felonies, should pay attention to above mentioned point.

Foyers benefit from materialized sciences advancement, such as physic and chemistry and knowledge of properties about various materials and also, utilize either experience and practice or methods and scientific possibilities (in other crimes, science advancement is not effective to such intent) . In other to mentioned cases, experience and technical possibilities due to be able to discover and frustrate (Lewin, 1943). Forgers of governmental documents are mostly going to use the benefits of forged documents and commit the second crime regarding vitalization of the forged documents, but some of forgers are not possibly going to

use it, for example, we can mention forgers of university documents due to use it's title and respective benefits, without submission and vitalization of the original deed. We can do division of governmental documents forgery in various aspects. The benefit of this categorization is in two topics of prevention and discovery of crime and should be regarded and observed in preventive programming.

DIVISION OF FORGERY BASED UPON THE TYPE, IDENTITY AND PROCEDURE

Material and spiritual forgers

In materialized forgery, the appearance of deed is tampered and will be usually made clear through reference to expert (Lieverink, 2006) . In this kind, the forger is going to misuse and change the reality through deed making and sealing and tampered signature here under, or alteration a true deed (in the from of addition, annexation, demonstration and reducing the content of deed, abrasion) or other changes (like transposition of deed date). In contrast, in spiritual or contextual forgery the appearance of deed is correct, and no annexation has been done. So such forgers who are usually employees, making documents which have a correct appearance but having a false and tampered tenor. As we will say, it should not be neglected in preventive schedules.

Forgery through manning the whole document or deed alteration

Occasionally, the forgers make a deed wholly and commit material and spiritual forgery and sometimes, he tamper the existing document. Deed alteration which is to be done in the form of minor changes as above mentioned (addition or subtraction) is merely posed within material forgery and in this section, spiritual forgery is meaningless.

Forgery of governmental official deeds and governmental common deeds

As it was mentioned in the introduction, official deeds are those which have been adjusted in registration bureau or notary public offices, or by duties at their discretion and according to legal rules. The documents like: title deeds, transfer deed. Birth certificate, passport, driving, license, notes, coupon and so on, can be recognized likewise. The other governmental deeds which is latch of above categorization, is saved as common document and in Iranian torture law, it is not usually encountered stressfully (March et al., 1994). It is suggested to legislator due to consider a suitable classification

retargeting such deeds and a proportional torture for each groups, and in order to the kind and significance of governmental deeds, crime of forgery should be rewritten. In preventive schedules, deeds assortment should be served according to significance, prevalence level, and addresses.

Custom forgery and computerized forgery

In custom forgery, which is apparently served according to article 523 (Islamic torture law) will be done in a common environment and unreal things will be written on a paper. Where as in computerized forgery, change of reality will be done in a cyber environment and also entry of unreal data will be by mouse.

Legislator finished the lawyers, disputes regard forgery is cyber space by approval compute eyed crimes. Absolutely, in preventive schedules these two environments should be investigated severally and through putting a side pen and paper within offices, this kind of forgery will have more significance.

DIVISION OF FORGERY BASE ON FORGERS

For this reason, the following divisions will be imaginable.

Random, professional, organized forgers

As it was mentioned about forgery, the forgers contain a broad spectrum; random forgers commit forgery following to capricious desire. For example, via changing the figure two to three, embezzle somehow.

In contrast, professional forgers take action to forge in a fully major form and accept forgers as a job. In a wider level, the organized forgers are to do forgery some important deeds like notes, passport, visa, birth certificate and to do this beyond borders a country and in a global level.

Employee and usual forgers

Regarding forgery of governmental deeds, it is occasionally observed that forger is an employee in the related organization and due to be informed about the topic, commits material or spiritual forgery. For instance, bank employee, in order not to divulge the done embezzlement, is to falsify banning memorandum. In contrast, there are some forgers out of administrative system, who commit forgery in governmental deeds. In preventive schedules, it should be kept in mind, that difference in kind of forgers and also forgery detection are harder in the first group.

Forgery division based upon deed issuer

Forgery of governmental deeds contains a wide spectrum of deeds (especially due to issuer party) and because of broad mastery of governmental and public offices is so. Issuer of governmental deeds might at first be a real figure (minister, chairman, managing director, mayor) or a legal entity (government, cabinet).

Within legal entities, issuer of governmental deeds has a proper intent of office system such as; cabinet, ministries, governmental organization. Revolutionary centers, non-governmental century, and the firms which require name and address are being observed. One of the preventive schedules as we will say later on can be settled down via governmental deed issuance and to decrease it is logical trend.

Division of forgery based upon deed addresses and felonies

From this viewpoint, governmental deeds might be served as public utility and have no proper addressee, and for instance, the documents like: notes, coupon are not special for proper persons and the owner can use it without limitation. Because of this train, it is usually interested by professional forgers to do forgery. In contrast, some governmental documents are public utility but have a special address. For instance, birth certificate, national card, passport, and court orders are applied all across the country and can be relied on, but the address is usually a proper person.

Third group of deeds, are typically special deeds or particular fellows such as is sued choose in favor of persons by the government, or occupational certificates regarding state study which are addressing a special source and a particular subject.

From the viewpoint of felony, as it was saying. The felonies might be legal or real entities according to the above mentioned division or to be a document which has no flintier.

Division of forgery base on time validity

From this viewpoint, some governmental deeds might have an unconditional validity and not to be limited to a proper time, for example title deed or study certificates which are not obliged to a proper time. In contrast, governmental deeds having a limited validity. For instance, fundamental sheet but tickets, entrance fee for museums.

Absolutely, for prevention of forgery of each group, special thought should be made and sometimes, it is necessary to announce it as an unimportant case. As if one of the aims of U.S. government regarding change of currencies globally, was confrontation with false dollars.

Responsible organizations, method and necessary preliminaries in administrative and judicial regarding prevention of governmental deeds' forgery

In rule 156 of constitution, the duty of constitution, the duty of forgery prevention has been drawn of judiciary force. Rule 130 of law regarding fourth program of economic, social, and cultural development certified on 1383, bounded Judiciary force in order to prevent crime base on the related article at present the judiciary force is to focus preventive management and also utilize the capacities of other executive centers, and for this reason, legislate a bill and submit it to assembly and it is now certified and near to finalized. With a glance to above approved laws, showing that judiciary force is going to found an infra structure constitutions due to prevent under its management locally and nationally. Absolutely after finalization above approved laws and foundation supreme and provincial council it is the first duty to program for prevention process. So, case and thematic divisions are the first requirement of preventive schedules regarding crime occurrence.

It is also necessary to constitute particular staffs for prevention of special classes of crimes (financial office, economic, life environment, military, computerized crimes) or special crime (willful murder, robbery, cheating, and forgery) . Categorically, in respect to crime prevention, it is felt to legislate and compile proper regulations. Therefore, from now, we should try to supply raw materials for related schedules and is suggested to take action for executive legislation along with a good confrontation by administrative and judiciary century in order to previous records background and compiled theoretical and practical essays. And after final approval, the produced regulations will be certified by special sources and like white, preventive council will be one step ahead. In this field, record of compiling regulations about prevention, can be a suitable pattern, that is to say. In the realm of preventive actions like, regulations about after emit cares or about prison centers, social care staff or about prevention of proper ermines like additives or bribery in executives certified by cabinets on 1383. Although we should confess that above regulations have not a scientific force and also it has no result practically, for instance, in regulations about prevention of bribery, it could not be prosperous the officially, and merely with repetition of various bribe (1st. article) and even with a high inclusion of tenors out of law and also application general words for exceptive systems were not resentful. Although it is along with cases like transparency, education, encouragement (article 2) identification of vulnerable points (article 12), honor design of client (article 13) and also with connectivity of paralleled organizations (like: inspector, inspection units, and safe guarding) new group work (article 13, note 1), management and planning organization, secretariat for rising office health and challenge with corruption) in

relation to practical success regarding bribery prevention in executives. It is not so far received any report about positive reserved because of misleading programs. Absolutely, the said regulations and the like, with all theoretical and practical problems can be a positive step for prevention and the established probable group works should legislate preventive regulations, just after approval by law with the help of scholars and executive ranks and full knowledge of crimes along with special preferences. The present essay and other essays and compiled treatises in the realm of forgery crime, can be raw material of a special regulations under title of prevention of forgery crime of governmental deeds. Certainly, necessary introduction for compilation of above regulations is correspondence with all offices (public and state) for recognition a kind of issued deeds and level of forgery prevalence in above system and method of forgery and committing are also remarked. The experience of foundation of coordination council for prevention of forgery on 1385 in Mashhad city could be a successful field which consists of 5 group works, judiciary- security disciplinary, education and theoretic research, cultural, social, religions press and media under surveillance of Mashhad noble attorney general with thematic review of crimes along with prevention of crimes (like, accidents, felony, issuance of a bad check). So, with rapid change of crimes, we should found constitution for prevention and controlling crime along with the help of office, judicial, popular centers. In the end, for success in this regard, and compilation of special regulations and establishment executive group works. The following preliminaries are suggested.

Recognition various kinds of state and public offices. Recognition level of forgery and it's prevalence through office tolls, police toll and estimation of felony.

Classification of the said toll base on the type of organization, area kind of commitment and finally drawing some charts showing issued deeds, amount of forgery and the respective ratio. After recognition the foregoing status advices will be made for decrease of issued deeds and unnecessary correspondence through legislation, assortment about proper offices.

TYPES AND WAYS OF PREVENTION ABOUT FORGERY OF GOVERNMENTAL DEEDS

Prevention of forgery about governmental deeds can be reviewed in order to a common division in criminology and into two main groups, relational prevention (penal or third) and react prevention (non- penal consists of social and the mastic) as thus explained.

Reactional prevention

In this relation, the following procedures are mainly

suggested to legislator.

New crime imagination

Iranian legislator has not followed a defensible system regarding forgery of governmental deeds. Firstly it is fellow directed and not deed directed, and pay more attention to forgery of bosses and ranks, deeds apart not observed sometime, significance of a deed that issued by an employee is more than the one issued by the ranks of country. Secondly, Iranian legislator on the contrary of French legislator has been neglected about significance of deeds. In the French law, with the purpose of penal prevention of forgery, having false deeds, having facilities, objects for cut printing, has been crime–imagined which can be paid attention. Thirdly, in article 606, regarding Islamic punishment law, office managers has no legal assignment and duty for announcement of forgery to judicial and administrative ranks. Categorically, the significance of state deeds, forgery is not less than illegal possession, and the article amendment is necessary.

Symmetrical punishments

Islamic punishment law has not observed the proportionate of crime and punishment in the realm of state deeds. Unnecessary miscellany of penalties about note, caused something wrong about penal prevention, where as for example in French penal code, has been anticipates 30 tears imprisonment for forgery of notes and 450.000 EUR as cash fine. Besides, in the forgoing law, punishment is not observed in other cases. Iranian legislator has not been used from compulsory punishment about forgery of state deeds such as tender and residence ban.

Reinforcement of scientific police about certainty of state forged deeds discovery

Requirement of certainty which is served as the base of penal prevention is deftness in crime discovery. In the realm of state deeds' forgery, updating the systems of crime discovery can be an important message to the forgers. Utilization of physical and chemical methods should not limit the police constitutions but is to be equipped all centers which used from these deeds. Forger of state deeds should be assured that he can not use from forged deeds with assumption of forgery.

Actional prevention

On the contrary of react prevention, which showing

reaction just after crime commitment, it should be scheduled before commitment in this kind. So, according to a common classification for this prevention, social and thematic, we are to discuss about base of this kind of prevention regarding governmental deeds' forger.

Social prevention

As we said, above prevention divided in to two groups; growth and society directed and well study about it's briefly. Today criminology has been proved to be as a role of education in the first steps of life regarding crime prevention. Unfortunately, in the social sciences for the periods of primary, guiding, high schools are being felt very well regarding its effects about crime prevention. In classes which have been held for employees about forgery crime, I found that they are even unable to explain a deed and various kinds (official and common) and also it is difference with written forms and also forgery.

In the final test, they found cheque as an official deed. This matter is arising from lack of education during childhood and neglecting from a growth directed prevention. Today, education system, unnecessary points are being taught, but for instance, about signature which is the most important pillar for official and common documents, is not taught to persons. And each person chooses a signature according to his individual experience, which is partly because it is not to forecast the necessary points it is easily possible to do forgery. Out of effective argument about prevention of forgery, our educational system has not been succeeded to man our students familiar with authenticity which is a true pillar of human decency. Telling a lie and cheating instead of a clear derivation is served as cleverness. A student should not cheat in examinations or tell lies, so he might be justified by himself due to retouch a document. Therefore, training the students in the realm of social educations along with modern language and by experts and compilation books and suitable films is necessary in this regard, at the level of society, public education and culture moving via modern tools is necessary. The public should be educated in order to do effort and attempt for their excellent purposes, instead of imitation and knowing forgers as pattern.

Thematic prevention (situation directed)

As we know, in this kind of prevention, we follow some affection on the positions which direct guilty toward crime, so the purpose is to change the situation of each crime in order to make it impossible or made it very hard and by this way, to prevent the crimes. So, for thematic prevention of forgery about governmental deeds, we should review it via two sections in imitation of "Ronald

Klark", that is to say, prevention through meaning impossible and meaning it hard and expensive. Categorically, each one of the foregoing lists requires an extensive research as were told in the introduction, the aim of the present research, is merely opening prevention discussion in a proper crime.

Prevention via making the crime commitment impossible regarding governmental deeds' forgery

In this relation, the following procedures are suggested and are responsible for preventive council's settlement and decrease Bureaucracy and reducing the volume of administrative cores condense (deletion crime goals): As we have already mentioned high volume of administrative and governmental letters, will increase the danger of forgery. A glance to administrative system in our country makes it clear which most of the office correspondences are unnecessary and through an office revolution, we can reduce this volume markedly and by this way, to achieve the prevention of forgery. For this reason, the following suggestions are considerable:

1. Achievement and ruling of electronic government:

We should obtain a real ruling of paperless system through reinforcement of internet and intranet systems. In this regard, Electronic government should not change paper correspondence to electronic, but to omit many of unnecessary correspondence. For example, omission many of municipality visits, which require deletion of correspondence and irrelevant inquiries should be made. Out of omission the unnecessary ceremonies and to economize time of people and offices, it has decreased crime of forgery, absolutely. Therefore, for achievement electronic government, we should omit many of unnecessary correspondences. Of course, it should be kept in mind, if our purpose is merely to change paper correspondence to electronic; we must for paper forgery to computerized case. Also, substitution of paper documents such as solution for prevention.

2. Possibility of common and proper access to governmental deeds through computer:

The persons, who are going to forge governmental documents, are sure their forgery would not be detected, and are able to utilize from the forged deeds easily, and felonies are not usually able to be sure about the accuracy of deed. So, in case, there have been copies of state deeds in special websites of offices, and applicants can access it, is served as a factor for prevention of forgery about state deeds. For instance, at present, there is forgery of title deeds and cheating through it. So, as if, you could search for registration and person's ownership in real estates through website, it can be a factor for prevention of forgery.

In principle, this right should be for residents, due to

make clear the validity of deeds when ever they want. For example if name of all gradutors of a university along with traits (average, graduation year and so on), it is absolutely a preventive factor regarding forgery of university certificates. Perhaps, that is why we can not forge a ticket of train or plane and in contrast, but tickets can be forged for many times, and meaning bus services company to reprint monthly or seasonal tickets. So, the priority is to scan important deeds like birth certificate and national card via consideration probable aftermaths. Successful example about this point in university is usage of a proper batch or locks and other new technology, and it has frustrated the possibility of forgery to a high extent.

Prevention through hardening and fully charging of crime commitment regarding forgery of governmental deeds

In this relation, criminals should be informed that in getting their own purposes they must pay a high expenses and via rising expenditure and danger, not to think about forgery at all. Unfortunately, at present, state deeds are regulated very easy and for this reason, serves as a factor for forgery. The following procedures are suggested within two parts, hardening crime goals and also to increase dangers of crime commitment, respectively.

1. Hardening crime goals: Special paper along with thefield mark and particular date of the paper which is to be visible opposite the light. Being of a special shining mark or a proper yarn (luminous) about important documents such as what is used in passport, birth certificate and driving licenses. Maxing all pencils and office stamps and inks identical which harden the possibility of forgery and even to be used from phosphoric special inks with sensitivity to ultraviolet ray, in composition of important documents.

Code and needle decoding of documents, where as could be easily obviated regarding originality or non originality, and about documents which have a special address, the said centers should be equipped with forgoing systems. Education of signature and hardening it for prevention of forgery, surely, simplicity of a signature and having no suitable place for it is served as simply fire for forgery crime. Complicated signature along with curved traits and pen rapidity and path change, making the forgery difficult and in contrast, very simple signatures are encourager of forgery.

Utilization of raised stamps instead of usual stamps is suggested along with deeds assortment due to procured and distributed in office system by a source. The stamps which are not easy to make by usual persons and signature use together with the said stamps are factors for prevention of forgery.

Utilization from special Celeron paper about proper and

important documents. At present, for composition of figures, usage of adhesive on it is even observed by usual people, especially about cheques certainly advance form can be done by utilization of celephon (Plastic) and entrance of proper sets. Surely, using it about important deeds should be done through two traits. At first, to supply for all easily. Secondly, the least Scrawling and temperedness censes some prints on it. For the time being, about some deeds like, new birth certificates, this method is applied.

To produce all office deeds in two copies and scanning one copy in computerized system due to adopt it and announce it is accuracy for assimilation of deeds by probable felonizersan deeds addressees.

2. To increase dangers of crime commitment:

Reinforcement of systems was related to forgery recognition (Physico – Chemical).

Policing the data systems and utilization of x-rays were used to distinguish rewriting and scrawling. Surely, the existence of the said sets causes professional forgers to make sure that no making or rewriting will be detected by sources. Periodical supervision of the existing deeds in offices with the purpose of detection of any forged deed. To exit important governmental documents in various times, even in the timeless deeds (such as birth

certificate and university certificates) and issuance of new documents instead of it. We hope to witness crime decrease, and reducing forgery of governmental and public deeds through above- mentioned procedures, which have been spread at the present time.

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