

Scientific Paper Suggestion about goods & currency smuggling phenomenon In view of Iran economic rights

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Abstract

Firstly, we should scrutinize about smuggling. Smuggling wasn't definite in law completely and perfectly, human or object or moral types like smuggling of cultural matters or weapons and equipments or materials. In view of writer, smuggling is antisocial, anti-economic, anti-moral and anti-law phenomenon that it takes place through providing necessary conditions in uncontrolled and unsafe in economic and political and due to lack of culture and social and economic. It was clear who committed to this violation (Smuggling), they attended to economical matters. With regards to this matter that Iran introduces its market as Islamic market, it means correct exchange of economics data, less benefit, demand without hoarding (Engrossment), healthy completion with cooperation and improvement, not being monopoly (Restriction) of sell and buy controlling agent that didn't limit to jurisdiction institutions and laws, then it obtain by Islamic and humanity ethics and effective balance with government.

Key words: Smuggling, Currency, Goods, Capital punishment law, Huge Market, Economic Law

Introduction

As it was previously in abstract, definitions of human & materials, weapon, goods and currency smuggling, they are about this problem. At first, it was mentioned that in Iran's constitution and civil law, there were 3 ownership, private and moral, government, public or dependent, that it caused variety in production imports. As we observed that in the present market according to Islamic market definition and no open market and huge market, they offer productions that they have imported without license such as medicine or chemical materials. There are some points:

Firstly, low supply and high demand caused this problem.

Secondly, the competitors of seller have authority and control on market and they report any reduction quickly and control goods list and global prices, also they recognize entries of production well, and they suggest the high profit and high prices to smuggler.

Basically, smugglers perhaps whom that are in market, they hadn't equality in cost and income, and then they hadn't try to increase their income. It is interesting that they, importer and exporter, didn't know their action is crime and it is important for Iranian officers to inform public effectively, because law and jurisdiction is only a reprimand institution and isn't an effective information system.

Definitions and concepts

1. Currency definition in view of economic and law

Currency or money or cash is formal goods without name and it transfer to anybody easily. With regards to problems and political, social, economic, productive, service and industrial position of its country with international successors, it classify in huge market in order to conflict or bargain and transaction or investment, also with regards to production, industries and service share of its agent or government and internal rules and conventions and international laws and nation gross production and share of true person in each year and extensive volume of productions and international supply and demand with rate and legal tender ("Currency") and dollars such as Rials (Iran) or Pound, etc .at present, with respect to above technical explanations, there are some principles about currency and currency smuggling that we should bring out them. With regards to seasonal data and lack of economical prognostic in currency and monetary system of Iran and with regards to Markof pattern in ('1967-83') that real rate index of currency and its rate of false and its deviation in currency balance rate based on SPI index in central bank and growth average ("M2") to foreign properties rate of growth production or its reduction, supplies collection and Iranian and foreigner investors properties ("SPI").

Also with respects to Iranian debts to global economic community, crisis procedure of rate of exchange increases 11-14%; then whenever sever reduction in monetary index value of country with respect to lack of support in producer, consumer, commotion, war, fortuitous events, international commotion, bank crisis and economic institutions interruption caused to increase false rate and currency profit and finally, illegal usage or currency smuggling.

2. Scientific definition of currency smuggling and its technical concept

Rich and wealthy people prefer that internal legal tender convert into foreign assets or stocks or securities, because they have more stability and also cause to decrease nominal value of legal tender in country and then goods and currency smuggling was done. Relationship between currency and goods is a mutual (two sided) i.e. when securities, bonds, stocks, legal tender reduce severely and foreign money have more nominal value in huge market, it cause that materials or substitutive materials or industrial materials in high price enter legally and arrive to producer that this problem occur in England that in this case economical institution profit decrease and currency supplies reduction by Mafia agents or smuggler agents caused inflation as result of goods and currency smuggling to compensate scarcity as false.

It should be mention that political problems cause to lack of stability or structural balance of economical code in country and lead to financial crisis and economical compensations such as goods and currency smuggling. Falling of financial and economical period in country and speculation operations of smuggling bands cause to fall fix rate of currency and goods and also cause investors reaction to decisions, and businessmen and producers' expectation. Haven't confident to investors, businessmen, producers to state and public section and their tendency to private section and financial and banking breakage cause to reduce rate of creditors in institutions and high debt and low currency supplies so that they fall highest level to lowest level and unsettlement loans also cause to emerge such crisis. Perhaps, currency policy in currency fix rate could prevent this destruction, but this subject cause banking validity limitation, too.

Finally, perhaps rating on goods and items cause in hoarding as fallacious until rate of monetary growth haven't desirable level, goods and currency smugglers benefit in political, economic and cultural commotion of society and public unawareness and not being informative of government to public. These subjects cause price increase, bankruptcy or economical institutions interruption and currency smuggling. Benefit (**Profit**) is the main motivation for economic institutions activity and investors. But it has more profit than basic variables such as goods, rate, money, service. According to author, if Islamic competition in society is transaction with more equity and less profit and also expensive Islamic commerce and occupation in legitimate affairs and no transaction with speculated and improper people and balance obedience in selling and buying and prices and Islamic ethics, perhaps it is a controlling factor in such abnormal economical phenomena. God stated in Toube Sureh (6) In Quran precisely:

"أَمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَ الْمَسَاكِينِ وَ الْعَامِلِينَ عَلَيْهَا . . . فَرِيضَةٌ مِنْ اللَّهِ
وَ اللَّهُ عَلِيمٌ حَكِيمٌ"

Prior conclusion and purposes of this project, its better that we have reviewed Markof pattern scientifically in Normal case of nominal rate in market legal tender and its Balance and then in market as no balance in the following:

Lets underlying variable pattern is $[S_t]I_t = 1$ and then variable is $S_t = 0$. Then i.e.:

$$y_t | S_t \stackrel{iid}{\sim} N(\mu_{S_t}, \sigma_{S_t}^2)$$

$$S_t = 0,1 \Rightarrow f(y_t | S_t) = \frac{1}{\sigma_{S_t} \sqrt{2\pi}} \exp\left[\frac{-(y_t - \mu_{S_t})^2}{2\sigma_{S_t}^2} \right]$$

Meanwhile, balance of Markof change average (μ_2, μ_1) to structure (σ_2^2, σ_1^2) . This formula indicated that comfort time is fixing variable in time (t). According to author's idea, conditional possibilities as the following matrix could display the above formula, exactly.

$$P = \begin{bmatrix} P00 & P01 \\ P10 & P11 \end{bmatrix} = \begin{bmatrix} P00 & 1 - P00 \\ 1 - P11 & P11 \end{bmatrix}$$

Then pressure pattern and speculation profit (“SPI”) with weight average rate of exchange and supplies in Iranian central bank is:

$$SPI_t = \alpha_1 \Delta RE \times t - \alpha_2 \Delta IRt$$

(“REX”) is rate main index and IR is country currency index. Then if currency index and real interest rate and nominal rate of currency are NEX, consequently:

(“CPI”) is rate of for selling.

$$\text{Purposes } REX = \frac{CPI_w}{CPI_d} \times NEX$$

With regards to technical and scientific explanations and also variable patterns of economy, there are some purposes about challenge with goods and currency smuggling in perspectives of writer. There are some purposes:

- Attitude to kind of Islamic market in Iran
- Being ethics of market
- Helping to production mechanism and industry and banking facilities in rate of less benefit and high duration
- Serve experts and productive forces
- Youngsters job-making
- Challenge with hoarding (**Engrossment**) and usury transactions and fictitious transactions
- Balancing in supply and demand
- Monitoring producers and consumers performance by government and public institutions
- The suitable ground for investors and being confidence for economic activators.
- be extend commercial laws and civil laws
- filling gaps due to laws of goods and currency smuggling by public and news medias
- tax exemption of investors, producer and businessmen

With regards to above factor, it seems that economical and social relations of market with Islamic market system of government could control on above problems effectively and law and legislator and jurisdiction institutions haven't role in this subject. The specific relation between organizations and public and state centers with investors, producers, businessmen and work market and correct balance cause to enhance nominal rate of money and also lace of incorrect competition.

Notes:

In order to study more about crimes in this paper, please refer to the following explanation and documents:

- ✓ E-Mages, [http:// www.moneyworks.ae/news/archive/2200901.pdf](http://www.moneyworks.ae/news/archive/2200901.pdf)
- ✓ E-Mages, http://_www.uae.ii5ii.com/showthread.php?t=61556&page=1
- ✓ E-Mages, <http://www.imamu.edu.sa/support./Role%20of%20the%20university.aspx>

• في مكافحة تهريب - تحرير الدكتور محمد الحبيش

من المؤكد أن النفط في مكانه اليوم هو ملك للأمة، وحين تم استخراجها من باطن الأرض نشأت عليه قيمة مضافة جعلته أيضاً محلاً للتملك وسلعة للتبادل التام، وبعد تكريه وتأهيله أصبح لا خلاف على الإطلاق في أنه ملك الأمة بمجموعها، وهنا لا يملك حتى ولي الأمر أن يتصرف به في غير مصالح الأمة جمعاء، فبأي وجه يمكن أن يباح لأولئك الذين يسوقونه في الداخل أو الخارج أن يزعموا أنهم يتصرفون فيما لهم به حق. تقوم الدولة اليوم بدعم هذه المادة النفطية لتكون في متناول المواطن وهو موقف شرعي صحيح لرفع الحرج عن العباد، ويصح شرعاً أن تقوم الدولة بدعم هذه المادة من مصارف الزكاة نظراً لأنها تصنف في حياة الناس في باب الضرورات التي يلزم الأمة بمجموعها أن توفرها للأفراد، ولكن الضرورة تقدر بقدرها والحاجة بشروطها، فمن استغل ذلك فقد ارتكب جملة من المعاصي والآثام. تهريب المازوت إثم من خمسة وجوه، فهو إثم لأنه اعتداء على مال محرز وقد قال الله تعالى ولا تأكلوا أموالكم بينكم بالباطل وتدلوا بها إلى الحكام لتأكلوا فريقاً من أموال الناس بالإثم وأنتم تعلمون. وهو إثم لأنه اعتداء على المال العام وقد قال الله تعالى ومن يغلل يأت بما غل به يوم القيامة ثم توفي كل نفس ما كسبت وهم لا يظلمون. وتهريب المازوت إثم لأنه اعتداء على مال الفقير واليتيم الذي حمته لهم الدولة وقد قال الله تعالى إن الذين يأكلون أموال اليتامى ظلماً إنما يأكلون في بطونهم ناراً وسيصلون سعيراً، وتهريب المازوت ظلم لأنه إخراج لأرزاق الناس من بلادهم وقد قال رسول الله صلى الله عليه وسلم: المحتكر ملعون والجالب مرزوق، وتهريب المازوت إثم لأنه معصية ونبذ لما اتفق عليه المسلمون وقد اتفقت الأمة على حماية ثغورها وندبت أبناءها لهذا الواجب والمهرب يمارس الاعتداء عليهم وتعرض نفسه وغيره للمهلك وهذا كله حرام.

- ابن منظور، ابو الفضل، جمال الدين، محمد بن مكرم، لسان العرب، 15 جلد، دار الفكر للطباعة و النشر و التوزيع - دار صادر، بيروت - لبنان، سوم، 1414 هـ (مدخل فقه: الفقه: العلم بالشيء و الفهم له، و غلب على علم الدين لسيادته و شرفه و فضله على سائر أنواع العلم كما
- غلب النجم على الثريا و العود على المندل؛ قال ابن الأثير: و اشتقاقه من الشق و الفتح، و قد جعله العرفُ خاصاً بعلم الشريعة، شرفها الله تعالى، و تخصيصاً بعلم الفروع منه)
- زين الدين العاملي (شهيد ثاني). الروضة البهية في شرح اللمعة الدمشقية للعبة الدمشقية و الروضة البهية. كتاب القضاء.
- (علامه) مظفر، محمد رضا. اصول الفقه. المطبع بوستان المدينة قم. ايران. 1388. ص21.
- سعدى ابو جيب، القاموس الفقهي لغة و اصطلاحاً، دار الفكر، دمشق - سورية، الثاني، 1408 هـ ق مدخل في الاحكام الخمسة.
- في المفهوم مصرفيه الاسلاميه:
- والمستثمرين (في إطار صيغة المضاربة الشرعية المبنية على المصرف الإسلامي مؤسسة مالية تقوم بدور الوساطة المالية بين فئتي المدخرين المنضبطة في إطار العقود والخسارة والقاعدة الشرعية الغنم بالغرم) فضلا عن أدائها للخدمات المصرفية مبدأ المشاركة في الربح المصارف في دفع عجلة التنمية الاقتصادية والإجتماعية في البيئة التي تعمل فيها وأكدت اغلب آراء الدراسة على ضرورة مساهمة هذه الشرعية أنشطتها الإستثمارية والخدمية من خلال دورها كوسيط مالي بين ويمكن تعريفه " مؤسسة مالية تلتزم بأحكام الشريعة الإسلامية في كل . أهم أهداف المصارف الوقوف على ومن التعريف السابق يمكن. " وتقدم الخدمات المصرفية في إطار العقود الشرعية ، المدخرين والمستثمرين الإلتزام بأحكام الشريعة الإسلامية في أوجه النشاط. تقديم البديل الإسلامي للمعاملات البنكية التقليدية لرفع الحرج عن المسلمين وهي ، الإسلامية الأعمال بالطرق الشرعية بغرض دعم توفير الأموال اللازمة لأصحاب. بها ، وإتباع قاعدة الحلال والحرام في ذلك والعمليات المختلفة التي تقوم المشروعات الإقتصادية والإجتماعية النافعة تتناسب مع الأفراد والشركات تشجيع الإستثمار ومحاربة الإكتناز من خلال إيجاد فرص وصيغ عديدة للإستثمار وأصحاب المشروعات المستخدمين لتلك الفوائد ، وذلك يربط عائد المودعين بنتائج توظيف تحقيق تضامن فعلي بين أصحاب الفوائد المالية دونالأخر الأموال لدى هؤلاء المستخدمين ربها أوخسارة ، وعدم قطع المخاطرة وإلقائها على طرف العاملين والمتعاملين معها تنمية القيم العقائدية والأخلاقية في المعاملات وتثبيتها لدى والإجتماعية على أموالهم، والقيام بدورها في المشاركة في التنمية الإقتصادية مساعدة المتعاملين معها في أداء فريضة الزكاة عدم التعامل . الإلتزام الكامل بأحكام الشريعة الإسلامية في كل تعاملاتها المصرفية : ما يلي ومن أهم الخصائص المميزة للمصرفية الإسلامية باعتبارها من الربا الحرام بالفائدة المصرفية أخذاً وإعطاء بشكل مباشر أو مستتر توسط البنك بين أصحاب الأموال وطالبي التمويل مع عدم قطع المخاطرة وإلقائها على إرساء مبدأ المشاركة في الربح والخسارة من خلال دون آخر طرف
- إحداهن تنمية إقتصادية وإجتماعية حقيقية في المجتمع
- أيضاً بالسعي إلى تحقيق عدالة في توزيع عوائد مبدأ التكافل الإجتماعي. ليس فقط بجمع الزكاة و صرفها في مصارفها الشرعية، وإنما إرساء الإجتماعي للإستثمار الأموال المستثمرة وتعظيم العائد

E-Mages:

http://www.islamway.com/?Islamway&iw_s=Article&iw_a=view&article_id=203

<http://www.islamiceconomy.4t.com>

Explanation about Markof formula:

It is clear using Markof model as one of internal demand predictive methods have reviewed personnel transfer position and internal displacement of inter organizations, because its valid and scientific techniques is suitable guidance to protect human capitals balance in improvement and development. Based on this model, the future is predictable via probability processes and the present situation have influenced on the past conditions.

- In Markof chain, there is a transfer matrix for human sources programming, called matrix of human resources transfer. In this matrix, we have cases and post that each person become in different times in one of these cases. In the above matrix, it considered separate cases for inputs and outputs in addition to posts. Because force didn't exit matrix and finally it transfers to final case, output. In human resources transfer matrix, (P_{ij}) is transfer possibility indicator of each person from it to P_{ij} m P_{m1} P_{m2} ... P_{mj} P_{mm}

- Analysis began with transfer matrix formation that in that matrix, each cell show past average percentage of staffs between occupation classes in one time to another time such as future year. Each past transfer introduces future transfer possibility.

$I \rightarrow j \ m$
$P=[1 \ P_{11} \ P_{12} \ \dots \ P_{1j} \ P_{1m}]$
$[2 \ P_{21} \ P_{22} \ \dots \ P_{2j} \ P_{2m}]$
$[i \ P_{i1} \ P_{i2} \ \dots \ P_{ij} \ P_{im}]$

Dr. Samina
Nawab $[m \ P_{m1} \ P_{m2} \ \dots \ P_{mj} \ P_{mm}]$

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