*J. Appl. Environ. Biol. Sci.*, 3(9)138-140, 2013

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ISSN: 2090-4274
Journal of Applied Environmental and Biological Sciences
*www.textroad.com*

# Comparative Investigative of Fraud Offence in Iran and Armenia Law

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## ABSTRACT

When property was respected and supported by Law, consequently aggression to other property in any Kind or form was obscene. In the past «abduction» was traditionally common in Law but by improving the society and industrialization, Law makers defined a separate name for it such as stealing, robbing, bullying, betrayal of trust and fraud that in some of these taking the property was publicly with violence and threatening and in some taking with fraudulently, illegally or violate the might of others without profit to change and should be a separate punishment has predicted in this paper which is from the writer's investigation and survey has been trying focus on the property in both countries criminal Law in Iran and Armenia and both differences and similarities will be studies under comparative contrastive because studies and comparative contrastive and just for comparing the countries Law and determination of their priority, similarity which has a great influence on improving Law masters, teaching, the correct Knowledge of national right correction and determination of interior rules- problem solution of national courts and creating un form rules and such .

**KEY WORDS:** property – fraud- matching definitions – fraudulent – means – the tricks mass properties matching rights in Iran and Armenia.

## INTRODUCTION

The Islamic republic of Iran's Law respected the legal property on according Article 46 of I.R.I every one is the owner of it's legal property and nobody is liable to prevent others profession as its right and also on accordance 47 article of I.R.I any Kind of personal property which is legally is respected and its rules are determined through Law. The current Armenia republic constitutional Law also respected the Legal property and calls for it as an un separate human rights on according Article 8 of A-R people property is respected and guarded and government guarantees all Kinds of properties with equal observance.( Dr. M.s walidi ,2002:256) It is said in Article it of the declaration of human rights: everybody can be owner a property individually or with other and nobody can be deprived of its own property with no reason on an accordance of this Article, the Armenia constitutional Law num. 28 directly determined that only courts can deprive individuals of their property. (walidi – ow.M.2009:78) It seems ownership, individually or common in both countries Law highly guaranteed and any aggression to be called a crime and the offender is committed. Similarity and proximity of the two countries with respect to the ownership of the constitution of the international legal names are applied. (stephanie and larrsen, 2009:165)

*A: The concept of fraud*

Fraud is literally taking something by cunning, deceit, scam, scheming and cheating but the term fraud is taking or stealing other property by fraudulent means. And the fraudulent means indicate to any reaction that perpetrator will be brought to another deception by cheating money or a property takes or steals. It is also composed of one act of fraud, say, committing fraudulent and taking property.

*B: The concept of fraud in Armenia Law*

Fraud in Armenia Law are as follows: taking other property as tangible by canning or misuse of trust or a right to the property of another The given definition of both countries represents the quite similarity because in both countries taking other property16 by cheating is considered. The mean of property ore movable and immovable and the mead of fraudulent means indicate to any way that committed resort to for cheating others.

*C: characteristics of fraud crime in Iran Law*

I: subject of fraud crime

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The subject of fraud crime one movable and immovable, things. Documents and some monetary. So, those spirituals property cannot be counted in this category. Such as taking other grand Pas photo by cheating is non fraud.

II: manage to fraudulent means from the crime committed the basis of fraud crime is on any fraudulent means such as any Kinds of manner or action that against the fact and committed resort to the type of cheating is gauged by the Law- court administrative and custom.

III: Fraudulent operation characteristics by fraud fordoing fraud it is necessary be accompanied with a series of scenario, tangible or intangible so or to harm others. For this some of against the reality actions like telling lie without making scenario and tangible case only the committed is responsible.

IV: Recognition of harm or cunning in fraud crime.

The gauge of recognizing is the court. On the basis of this the court must clear the crime other wise committing is vague .

V: Fraudulent has no publicity:

As fraud is case of people's right and society security and its consequence is destructive, it is necessary for attorney general to prosecute the crime committed whether the committed chased for Lawsuit or not. As a result this crime has no publicity and no forgiveness.

*D: characteristics of Armenia law in fraud crime*

I: deception: deception is the deliberate distortion and distortion of documents the most common way of deception. Report false documents (documents have confirmed that there are in fact deny the existence of most common way of deception.

Deception can are achieved either by speaking and oral speech and silence by. When the fraud introduces himself as a state man like a company manager or a relative of an influenced in the state that deceit the other by saying cunning words. In some cases silence is the fraud when person should report about document but will remain unspoken to take the property of his/her. Although appearing such a case is ware. In Armenia Law for preventing such criminal actions on the basis of Article 325 in criminal law, those who are paid high salary and do false documents will be interrogated for counterfeiting.

Preparing money or funds or spending includes 202Article of criminal Law and not the fraud, But receiving money or property at different tickets and counterfeit token is fraud.

One of the other ways of deception in faking other property is different types of gambling in which the fraud with playing cards, cheating by overview of has/her opponent and so plays unfair and takes its property.

II: misuse of trust

One of the most important problems that cause the increasing in fraud crime is misuse of trust. The fraud mistaken the property owner at the property authority and cheat them and act in such a way that influence in owner so or to deliver its own property by desire the owner hopes he/she will be compensated with money or a property in future. This kind of trust often happens because of job relation friendship or relatives between the property owner and the fraud. In Armenia misuse of trust fakes place in different ways the common form is promise: the fraud promises to deliver a task that has no intention for doing. Among other Kinds of misuse of trust is writing contraction. The fraud tries without believing to the contraction sigh it and cheat the owner. (Mir Mohammad Sadeghi,1994:201)

Another common way of misuse is taking other property by loan and borrow here the fraud with the intention of borrowing or loan creates trust in her/his and will not return it. And because of strict intention it is called a clear fraud. But If the intention is to return the loan it cannot be fraud. Because in fraud chime the general bad intention and specific one should be clear. So for fraud crime in Armenia Law the existence of following conditions ore necessary:

1- bad intention and aim at scam for taking other property illegally with no compensation and with profit-seeking.

2-false mortgage by the fraud for gaining trust or cheating by yellow metal instead of gold.

Not considering the above specifics causes the court mistaken in issuing the vote. It is of importance that if the fraud intends not return the loan before or after on purpose it is called an imminent fraud. The case of it is getting loan by people in Armenia in1990 and not paying back.(- Matin – Ahmed,2008:36)

One of the other methods of misuse of trust is giving receipt from the fraud while taking the property and writes him/her that owes a sum on paper in this case if it is proved on purpose and giving receipt was given just for cheating and receiving trust of the ownership then the court count it as fraud. (prof. G.S. Ghazanian,1999:92)

E: Expressing the similarities of fraud crime in Iran and Armenia law

1-In both countries taking movable, immovable property Things, funds and documents that has financial and economic worth. (Loot,2005)

2-The main basis of fraud crime in both countries is resorting to fraudulent means and the diagnostic is determined by law, court officials and custom.

3-Making scenario of tangible for cheating is the main condition of fraud.

4- In both countries criminal law, the recognition rate of harm in fraud is the court

F: Expressing the differences of fraud crime in Iran and Armenia Law

1-In Iran criminal Law fraud has no publicity and no forgiveness for this crime say, the court itself penalize the criminals and the forgiveness of plaintiff has no effect on crime. But in Armenia if the crime is rubbery.

2-simple fraud 3- barratry, 4- if the taken property's worth is law 5- not tangible in all these cases if the plaintiff does not follow the court has no right to follow Meanwhile if the method of stealing in Armenia is (6) bulling or (7) loot: it is viable for preceding even if it is tangible or lower.( Matin – Ahmed,2008:365)

Although for tense fraud in both countries hard penalties have been predicted, but for the Kind of crime which relates to the whole public and its security, ignoring the simple fraud causes the criminal bold . on according the author: It is told that ignoring the simple ones in Armenia right is of a great treatment. And causes boldness among criminals Though whatever the rules and Laws in a country would be more precise for society security the more facility would be for people's soul health.

## RESULT

First: ownership, private or common in both countries Law is respected and highly guaranteed. Those who are aggressive will be penalized and those who respect will be respected.

Second: recognition of fraud crime and its definition characteristics and contrast it in both Iran and Armenia criminal law causes a kind of recognition in similarities and differences and creates a Kind of Law unit.

Third: investigation and contrast of fraud crime as a new composite and crime who so committed are white colors of every society causes an increasing Knowledge in juristic, have a correct understanding of national Law and creating a unit rule for problem solution and ... etc.

Fourth: In Iran criminal Law, crimes in simple or tense are in a no forgiveness part and not following by plaintiff has no effect in fraud penalty. But, in Armenia criminal Law if the plaintiff does not follow the court will not follow.

Fifth: In this contrastive comparison we get familiar to different methods of faking the other property in Armenia Law, it seems learning and reaching of these methods are necessary for our juristic because they believe not only the legal systems has the world step to law unit. On the other hand, Law's and roles are regulated for human problem solution which are similar to some extent and able to contrast and evaluation. For example those who trip abroad Know that stealing is a crime, crossing red light is against the Law ,taking other property by fraudulent and cheating causes r responsibility.

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