

Criminal protection for economic development

Safaa Kadhum Ghazi

College of Law, Sawa University, Al-Muthanna, Iraq.

Abstract

Criminal laws have a major role in protecting economic development, due to their great role and direct relationship in influencing the stability of their resources and even encouraging their development. Progress in various fields of modern life has led to the development and multiplicity of these resources that encourage the prosperity of economic development. Protect them and to the extent related to the topic of research in this subject in terms of the extent to which the relevant criminal laws are able to provide this protection for these resources for the sake of the prosperity of economic development, and accordingly we will limit ourselves to some relevant criminal laws and then achieve sufficient deterrence for anyone who tries to negatively influence the progress of economic development and manipulation rights of others. There is no doubt that every development in any of the different areas of life must be accompanied by a type of crime that would divert that development from achieving the desired goal.

From this point of view, we dealt with the subject of the research as it is one of the topics that must be taken into account and studied at the legal level, especially since the perpetrator poses a danger because he is violating the right of others to a decent life.

The first topic

The concept of criminal protection for economic development

Preserving economic development of all kinds is one of the basic social duties that soon turned into a duty in all economic, humanitarian and legal aspects. To the means of transportation from Ma'an, and this is what necessitated the division of this topic into two demands. We dedicate the first requirement to the definition of criminal protection for economic development, and we devote the second requirement to examine the motives of criminal protection for economic development.

The first requirement

Definition of criminal protection for economic development

The daily life arises social interests, and the expansion of this life day after day creates new social and economic interests, so the criminal law appeared to ensure the protection of all these interests, if the legislator decided the necessity of an organization of economic resources. And then the protection of economic development through the preservation of these resources, the full legal protection for it is not achieved unless there are criminal texts dedicated to it and clarified for its punishment (Dr. Ali Hussein Al-Khalaf and Dr. Sultan Abdel Qader Al-Shawi, General Principles in the Penal Code, 2nd Edition, Al-Atek for the Book Industry, Cairo, 2010, p. 3).

Therefore, it is necessary to define this protection comprehensively, and for that it is necessary to define this term from the linguistic and reformist standpoints, so we will divide this requirement into two branches.

First branch

Definition of criminal protection for economic development language

For the purpose of arriving at the linguistic definition of criminal protection for economic development, we must clarify the linguistic meaning of each word separately, as follows:-

First: Protection Language:

Protecting goes back to the verb protect (protect him) protect him (protect) defend him. And this is something (protect), that is, it is forbidden to come close, and (protected) the place made it a fever (Muhammad bin Abi Bakr bin Abdul Qadir Al-Razi, Mukhtar Al-Sahah, Dar Al-Resala, Kuwait, 1986, p. 158), and protection came in the sense of defense (Ahmed bin Muhammad bin Ali Al-Fayoumi, The Lighting Lamp in Gharib Al-Sharh Al-Kabeer, Volume 1, Mustafa Al-Halabi Press, 1990, p. 165.). And it is said that this is something hot, i.e.: it is prohibited, not approaching. Protecting him is a protection, if you repel him, and prevent him from being close to him, and the intimate, the sympathetic relative, as the Almighty said And no intimate one asks for an intimate)(Surat Al-Maarij / verse (10)). It means protection in the English language (Protection) (Munir Baalbaki: Al Mawrid A medern English. Arabic Dictionary, Darel -ILM LiL Malayn, Beirut, 2004, p732).

Secondly: Criminal Language:

The criminal is a reference to the felony and its origin is a source of a genie and a felony committed a crime, he is a culprit, and the felony is guilt and crime, and it is what a person does that requires punishment or retribution in this world and the hereafter (Abi Al-Fadl Muhammad bin Makram Ibn Manzur Al-Ansari, Lisan Al-Arab, Dar Al-Hadith, Volume 2, Cairo, 2002, p. 105).

Third: The Development:

Laam is a preposition and development from development and development (The Arabic-English dictionary is published on almaany.com).

Fourth: The Economic:

The intent is the straightness of the path and dependence (Abu Al-Hassan Ahmed bin Faris bin Zakaria, Language Standards, Dar Al-Turath Al-Luji for Printing and Publishing, 2008, pg. 859), and the opposite of it is exaggeration, like frugality (Louis Maalouf, Al-Munajjid in Language, Tehran, 1383 AH, pg. 632).

Second branch

First: Definition of criminal protection for economic development

Criminal protection is one of the most important types of legal protection and has the most impact on human life and society. When looking at the relevant laws, we did not find that they defined the term comprehensively. For example, we find that the amended and effective constitution of Iraq provides for economic reform without knowing what is meant by economic development. The constitution stipulates that: The state guarantees the reform of the Iraqi economy according to modern economic foundations, in a manner that guarantees the full investment of its resources, diversification of its sources, and the encouragement and development of the private sector (Article (25) of the Iraqi constitution currently in force for the year 2005). The preamble to the legal system reform law defines economic crime as “violations that affect public ownership, cooperative ownership, means of production, the organization of industrial and agricultural production, and the rules for distributing services and goods, whether using the powers granted in their letter in a way that leads to harm to the national economy and achieves an unlawful personal benefit” (Legal System Reform Law No. (35) of 1977, published in the Iraqi Gazette No. 2576 dated 3/14/1977).

Also, when looking at the relevant criminal laws, we find that they did not refer to a definition that shows the meaning of criminal protection in general or according to the protection of a specific interest, and we see the direction of the Iraqi legislator praised because it is not the legislator’s task to set definitions of terms as much as his mission to provide protection for these terms.

Second: Defining criminal protection for economic development in jurisprudence:

With regard to the definition of criminal protection for economic development in jurisprudence, we find that the jurists did not know this phrase comprehensively, but rather knew the two terms separately. They knew criminal protection as well as the prosperity and development of the economy. As for criminal protection, it was known as all the rules stipulated in the criminal law, both punitive and procedural. and procedures to protect various human rights by protecting a particular interest. The economy is also defined as what is paid to the state from taxes that help it implement its development plans and provide services to citizens and meet their needs, and contribute to reducing the costs of these services on the government’s shoulders, and reducing the unemployment rate by providing job opportunities (Sami Al-Riyami, What is the National Economy, research published on the following website: WWW.EMARATALYOUM.COM/OPINION/), and it was also defined as the study of how to choose The way individuals and society use scarce productive resources to produce various commodities over time and distribute them for consumption now and in the future to different individuals and groups in society (Dr. Karim Mahdi Al-Hasnawi, Principles of Economics, without a printing press, Baghdad, without a year of printing, p. 15).

Through the previous definitions of criminal protection as well as the definition of economics, we arrive at a definition of the term criminal protection for economic development in a comprehensive way as a set of criminal legal rules by which the legislator protects economic development from all illegal acts that would prejudice it, through the penalties it determines by applying a set The procedural rules required by the competent authorities from initiating the criminal case until the issuance of the judgment.

Third: Defining criminal protection for economic development as a judiciary:

As for criminal protection for economic development as a judiciary, we did not find the judiciary knowing it according to the decisions we have seen, leaving this to jurisprudence because by virtue of the judiciary's work, it is not its task to provide definitions as much as its primary task is to give judicial rulings to the facts presented to it.

The second requirement

Motives for committing crimes

There are several economic factors that drive the commission of crimes, the most important of which are economic motives and social motives, and we will address them according to the following two sections:

First branch

Economic Motives

Although there are many individuals who live in an economic environment and poor living conditions and are fully satisfied with what they own and what they get from the livelihood and are not inclined to commit crimes out of poverty, the need of some individuals for money, whether out of greed or poverty, may push them to commit crimes as In general and terrorist crimes in particular, the poverty that exists within society leads to the exploitation of these groups by terrorist groups (Dr. Muhammad Mahmoud al-Makawi, Ethical and Social Aspects of Information Crimes, 1st Edition, Al-Asriyya Library, Cairo, 2010, p. 184).

Unemployment is also one of the most important phenomena related to poverty and plays a role in the commission of terrorist crimes. The most important of which is sabotaging the country's economy (Dr. Syed Shorbagy Abdel Mawla, The Impact of Crime on Social and Economic Development Plans, Arab Center for Security Studies and Training, Riyadh, 1994, p. 76). Therefore, we see that unemployment will result in the suffering of many young people from feeling alienated from society while they are in it, and thus these young people do not unite with their society, which facilitates the process of recruiting them to work for terrorist groups in exchange for certain funds in order to carry out their terrorist operations.

These economic motives for terrorism, which possess the power of competition and the control of economic power considerations in some societies, have led to influencing a large number of individuals who do not find a real opportunity for them to enter as competitors in economic projects, to commit kidnapping and assault against large capital owners in order to obtain their money. As a ransom for the release of those who kidnapped him from their families.

Second branch

Social motives

The social factors that surround the human being are many and varied, but they can be attributed to the social environment in which the person lives, which may push him to carry out criminal acts. Some problems may occur that cause harm to members of society and generate a feeling of frustration. The family is the nucleus of society through which children learn values and morals in order to Achieving what ought to be, and until a person achieves what he aspires to of good and happiness (Dr. Muhammad Sayed Sultan, Islam and the problematic of terrorism between removing the accusation and confronting the provisions, 2007, p. 116: Posted on www.hattp.osool.iugaza.edu.ps).

Family disintegration is one of the most prominent social motives that push individuals to commit criminal acts, and family disintegration leads to the collapse of the basic roles of the family, such as socialization and family and marital relations that contribute to building society on sound foundations (It is worth noting that there is a relationship between family conditions and terrorism, especially for individuals whose head of the family works outside the house all day long, as care and attention is less. Dr. Muhammad Sayed Sultan, the same source, p. 118 sees), and it seems that divorce is the prominent image of family disintegration that leads To exploit the needs of individuals by terrorist groups in order to achieve their personal interests, especially if each of the spouses abandons his responsibilities towards the children after the divorce.

Terrorist crimes often occur in fulfillment of personal goals and objectives, as the motive for them is revenge against the state or one of its security agencies especially the security forces (Dr. Muhammad Shallal Habib, The Origins of Criminology, Al-Atak Company, Cairo, without a year of publication, p. 230).

Among the personal motives for carrying out terrorist operations is the love of propaganda, fame and adventure, as the motive may be escaping from the implementation of a judicial ruling or escaping from police prosecution or escaping from totalitarian and dictatorial regimes where they commit terrorist crimes in order to collapse the economy of this country (Saad Saleh Al-Jubouri, Terrorist Crimes in Criminal Law, 1st Edition, Modern Book Foundation, Beirut, 2010, p. 44).

Terrorist crime on economic development and the impact of information technology crime on economic development, as follows:

The second topic

Applications of some crimes affecting economic development

There is no doubt that the economy is one of the most important components of modern societies, as every country seeks to develop and develop its economy and financial investments, in order to achieve the well-being of the individual and society, and there is a relationship between the economy and crimes, as the latter negatively affects the economy, and the criminal law and its complementary laws stand from these attacks. Economic development takes a different position, as there are many attacks that have been

criminalized by the Iraqi legislator, but we will limit ourselves to discussing some of them by clarifying the impact of the terrorist crime on economic development and the impact of the information technology crime on economic development, as follows:

The first requirement

The impact of terrorist crime on economic development

The terrorist crime has a significant impact on economic development. We will define it and clarify its objective provisions according to the following two branches:

First branch

Definition of terrorist crime

In this application, we will explain the definition of terrorist crime in brief, as follows:

First:

The definition of terrorism

Terrorism linguistically: it is disturbing, frightening, intimidating, dreading, and intimidating, fearing or with excitement and disorder (Ibn Manzur, *Lisan Al Arab*, Volume 5, 3rd Edition, House of Revival of Arab Heritage, Beirut, 1999, p. 337). As for the terrorist, he is the one who possesses the means of violence and terrorism in order to achieve political goals (Dr. Ali Youssef Al Shukri, *International Terrorism in the Light of the New World Order*, first edition, ITRAC for printing and publishing, Beirut, 2008, p. 26).

The Iraqi legislator defined terrorism as: “every criminal act committed by an individual or an organized group that targets an individual or group of individuals or groups or official or unofficial institutions that causes damage to public or private property with the aim of disrupting the security situation, stability and national unity or introducing terror, fear and panic among people or creating chaos in order to achieve terrorist ends.” (Article (1) of the Anti-Terrorism Law No. (13) of 2005).

We note that the legislator in the Iraqi anti-terrorism law has made the provisions criminalizing some criminal behaviors as terrorist crimes in legal articles and made the punishment for them in another article, and may refer them to other laws that include punitive provisions for these behaviors.

second branch

Objective provisions of the terrorist crime

In this section, we will discuss the elements and punishment of a terrorist crime, as follows:

First: The pillars of the terrorist crime:

It includes two pillars, the material pillar and the moral pillar, and the material pillar is the apparent face of the crime. In the same sense, the Iraqi Penal Code defines the material element as: “criminal behavior by committing an act criminalized by the law or refraining from an act ordered by law.” (Dr. Ali Hussein Al-Khalaf and Dr. Sultan Abdul Qadir Al-Shawi, *General Principles in the Penal Code*, Al-Atak for the Book Industry, Cairo, without a year of publication, p. 138) The offender emerges in the outside world as a component of the material of the crime, and a cause of the harm or danger that may result from it (The text of Article (28) of the amended Iraqi Penal Code No. (111) of 1969), and whether the offender intends from this criminal behavior to achieve a specific result or the result is achieved without his will going to it (Dr. Abdel Fattah Bayoumi Hegazy, *Criminal Evidence and Forgery in Computer and Internet Crimes*, Egypt, 2009, p. 119). The material element of the terrorist crime consists of the criminal behavior, the criminal consequence and the causal relationship. As for the terrorist crime, according to Article (4) of the Anti-Terrorism Law No. 13 of 2005, which stipulates that “every criminal act committed by an individual or an organized group that targeted an individual or a group of individuals or groups.” Or official or unofficial institutions that cause damage to public or private property in order to disturb the security situation, stability or national unity, or to introduce terror, fear and panic among people, or to stir up chaos to achieve terrorist goals. It is committed by an individual or a group, whether positive or negative, that harms official or unofficial institutions. As for the forms of this behavior, it can be represented by the following based on the means used: nuclear terrorism, biological terrorism and chemical terrorism.

As a criminal result, The criminal result must result in material or moral damage, and there is a causal relationship between the terrorist act and the criminal result, or it is every fact that results from the behavior and is considered by the law in the establishment of the crime (Dr. Omar Al-Saeed Ramadan, *The Idea of Result in the Penal Code*, research published in the *Journal of Law and Economics*, Issue One, 31st year, 1961, p. 114.), and in a more precise sense it is the change that occurs in the external world as an effect of the behavior And the causal relationship is meant the link between the act (criminal behavior) and the criminal result, as it is proven that the act is what led to the occurrence of the result and the causal relationship is important, as it is what connects Between the two elements of the material element of the behavior and its consequence (Dr. Ali Hussein Al-Khalaf and Dr. Sultan Abdul Qadir Al-Shawi, *General Principles in the Penal Code*, Al-Atak for the Book Industry, Cairo, without a year of publication, p. 138), it must be said that if this relationship is negated, the responsibility of the perpetrator of the act was limited to the attempt if the crime was intentional (intended), and the elements of this attempt were available, but if it was not intentional, he should not be asked, because there is no attempt In unintentional crimes (The text of Article (28) of the amended Iraqi Penal Code No. (111) of 1969), from this we understand that the causal link is a common factor between intentional and unintentional crimes, as for the moral pillar that is represented by the criminal intent and is defined as the psychological link between the perpetrator of the crime and the result achieved by his behavior (Dr. Abdel Fattah Bayoumi Hegazy, *Criminal Evidence and Forgery in Computer and Internet Crimes*, Egypt, 2009, p. 119) Usually, the criminal intent is achieved from two elements, the first: knowing that the law punishes this act. The second: directing the will towards the act constituting the crime, while realizing its reality and its consequences, and fulfilling the conditions for this will, which is that its owner expresses it in the outside world. 2- The will must be issued by a person with full capacity to perform (Dr. Omar Al-Saeed Ramadan, *The Idea of Result in the Penal Code*, research published in the *Journal of Law and Economics*, Issue One, 31st year, 1961, p. 114).

Second: The penalty for the terrorist crime:

The Iraqi legislator punished in the Iraqi Anti-Terrorism Law No. 13 of 2005, as it was stated in Article (4) that “1- Anyone who commits – as a principal or accomplice – any of the terrorist acts mentioned in the Law shall be punished with death. The second and third articles of this law, the instigator, the planner, the financier, and whoever enables the terrorists to carry out the crimes mentioned in this law shall be punished with the punishment of the original perpetrator, and from this text we see the extent to which the Iraqi legislator has increased the punishment for the perpetrator of this criminal behavior, whether he is an actor or an accomplice (Articles (47-59) of the Iraqi Penal Code No. (111) of 1969 regarding the perpetrator and accomplice). The legislator punishes the perpetrators for their terrorist behavior only, but extended his punishment to include even the instigator, the planner, the financier, and anyone who enabled the terrorists to carry out their crimes, which are the result of this empowerment. For this reason, the legislator referred to it as the original contribution by increasing the punishment for it (Such an emphasizing tendency is found in the Anti-Terrorism Law in the Kurdistan Region No. (3) of 2006 in Article (2) of it, which stipulates that "the following acts are considered terrorist crimes and are punishable by death).

The legislator mentioned in the Iraqi Penal Code, when criminalizing terrorist behavior, a number of freedom-depriving penalties, which are life imprisonment, imprisonment and imprisonment. When reading the text of Article (4/2) of the Iraqi Anti-Terrorism Law, we find that “whoever deliberately conceals any terrorist act or harbors a terrorist person with the aim of concealing it shall be punished with life imprisonment.” Concealment or cover-up of a terrorist act is no less dangerous than the terrorist act itself because of the potential harm that this cover-up poses, knowing that providing shelter to the terrorist with the aim of concealing him is a form of consequential participation in the crime, and the legislator has punished it according to Article (4/1) with a penalty The death penalty, and this is a contradiction in which the legislator occurred when he set two different penalties for the same behavior and in the same legal article, since the terrorist act is considered a dangerous crime (Public danger is defined as that behavior that, by its nature, has the characteristic of potentially harming or endangering legal interests. Dr.. Hassanein al-Muhammadi, The criminal danger and its confrontation, Mansha’at al-Maaref, Alexandria, without a year of publication, p. 46).

In addition to the original penalties, the legislator has included a number of complementary and accessory penalties, which are not mentioned alone, but are always attached to the original penalties (Consider articles (95-102) of the Iraqi Penal Code No. (111) of 1969).

First branch

Definition of information technology crime

Information crime was defined during the conference held in Paris in 1983 on information-related crimes by experts of the Organization for Economic Cooperation and Development as: “every illegal, unethical or unauthorized behavior related to the automated processing or transmission of data” and with reference to the Arab Convention To combat information technology crimes for the year 2010, which was approved by the Iraqi legislator (Law of Ratification of the Arab Convention against Information Technology Crimes No. (31) of 20133), we find it stipulated images of information technology crimes, according to Articles (5-21). The Constitution of Iraq has referred to the protection of private life through

the protection of correspondence, conversations and means of communication, and not confiscated, accessed, or censored except by a reasoned judicial order and for a specified period. It was necessary to develop a special legislation regulating it, and to summarize the foregoing, it becomes clear to us that the constitutional texts and traditional criminal legislation for the protection of private life are not sufficient by themselves to protect personal information from the dangers of modern technology. By identifying the criminal acts that affect this right as a result of the impact of information technology on it, and imposing the necessary penalties for them.

Second branch

Objective provisions in information technology crime

First: The elements of the information technology crime.

The material activity or behavior in the traditional crime differs from the material activity or behavior in the information crime, as it requires in the latter the necessity of having a digital environment, a computer and a connection to the Internet, and preparing virus programs in preparation for its transmission... (Dr. Khaled Mamdouh Ibrahim, *Information Crimes*, University House, Alexandria, 2008, p. 98), this on the one hand, and on the other Finally, the criminal behavior in information crime is always linked to the information stored on the computer. The difficulty of the problem lies in the fact that criminal behavior may be achieved by simply pressing a button on the computer, for example, the destruction of the system of customer balances in banks, or the misuse of credit cards (Dr. Mamdouh Abdel Hamid Abdel Muttalib, *Computer Crimes and the World Wide Web*, 1st Edition, Dar Al-Fath for Printing and Publishing, Sharjah, 2000, p. 56).

On the other hand, the criminal behavior varies according to the stage that the offender has gone through in his criminal project. Preparatory actions are not punishable according to the general rule, and this was expressed by the Iraqi Penal Code, as it stipulated this by saying: nor the preparatory work for that unless the law provides otherwise).

Within the scope of information technology crimes, for example, the offender may prepare equipment to commit a crime of attacking information systems, such as the number of programs used such as viruses or programs intended for information piracy or information theft by illegal copying through the terminal ends of the information network. With these acts and images of the crime of information technology, crimes of damaging information systems (manufacturing and spreading viruses), crimes of electronic robbery on bank funds, crimes of money laundering, crimes of penetration and hostilities through e-mail, crimes of forgery and misrepresentation and crimes of human trafficking.

It must be taken into account that the material activity or behavior in an information technology crime is an automatic activity because it is achieved as soon as the criminal behavior occurs, as information technology crimes are crimes of abstract behavior that do not need to be achieved by achieving the other elements of the material pillar. The basis for building the logic of conviction in this crime on the requirement of computer literacy. The result also represents the second element of the material element in

this crime. As for the causal relationship, we find that the criterion adopted by the Iraqi Penal Code in Article (29) for estimating the causal relationship is an objective criterion, that is, it evaluates the causal relationship whether the offender expected the result or not (Huda Salem Muhammad al-Atrakji, Legal Conditioning of Crimes in the Iraqi Penal Code, PhD thesis submitted to the College of Law, University of Mosul, 2000, p. 101), as long as The information technology crime is one of the crimes of abstract behavior according to which the legislator is punished for the act as soon as it occurs, in order to integrate the result and the causal relationship in it.

Just as the material element is not sufficient alone to achieve the crime, whatever this element leads to the achievement of a certain result or is satisfied with abstract behavior, the moral element must be present alongside it, and this element is represented by the two elements of knowledge and will, and the elements of knowledge and will must be realized with the knowledge of the offender or the perpetrator of this crime. With the reality of the crime to which his will directed and intended to achieve and arrange its results (The news of Muhammad Abdul-Obaidi, problems of electronic proof and the legal means to overcome them, PhD thesis submitted to the Faculty of Law, Al-Nahrain University, 2010, pg. 90).

The question that arises about the possibility of achieving this crime by mistake, it is possible to imagine the occurrence of some types of crimes by mistake, such as the destruction of the institution's devices as a result of the frequent use of this device by the employee responsible for his own account operations, relying on his skill in avoiding the troubles of viruses (Dr. Khaled Mamdouh Ibrahim, Electronic Litigation, Dar Al-Fikr University, Alexandria, 2008., p. 334).

There is no doubt that filling the legislative void in the field of combating information technology crimes and after canceling the information technology crime project will be in accordance with the general rules contained in the Iraqi Penal Code in accordance with Articles (430-433) and based on the absence of a text in the Iraqi Penal Code related to information technology crimes accurately, so the reference is made To the application of the general rules for determining criminal responsibility and the application of these rules may lead to the impunity of many perpetrators, especially since the provisions of the Iraqi Penal Code are restricted by a text (there is no crime and no punishment except by text), and therefore we see the best solution by enacting a punitive law for information technology crimes.

Referring to the Penal Code, in accordance with Article (363), we find it stipulated that: "A penalty of imprisonment for a period not exceeding one year and a fine of not more than one hundred dinars, or one of these two penalties, shall be imposed on whoever intentionally causes annoyance to others by misusing telecommunications equipment." We believe that this provision cannot be applied. On all information crimes because there are systems and devices that are not considered wired or wireless communication devices, so it was suggested that the current texts be amended to accommodate all cases by adding an article to the Penal Code that states that (punishable by imprisonment and a fine or one of these two penalties whoever hacked any electronic system deliberately and without permission the owner, and by using any means whatsoever), or expediting the adoption of a special law regulating communications and information crimes.

Second: The penalty for an information technology crime:

If the technological development shows the development of many electronic means that may be used to attack this official and personal information stored in it, this requires that the criminal legislator keep pace with this development, by addressing the newly created criminal acts, by criminalizing and punishing them. There is no doubt that filling the legislative void in the field of combating information technology crimes and after canceling the information technology crimes project will be in accordance with the general rules contained in the Iraqi Penal Code in accordance with Articles (430-433) and based on the absence of a text in the Iraqi Penal Code related to information technology crimes. Accurately, therefore, reference is made to the application of the general rules for determining criminal responsibility and the application of these rules may lead to the impunity of many perpetrators, especially since the provisions of the Iraqi Penal Code are restricted by a text (there is no crime and no punishment without a text), and therefore we see the best solution by enacting a special penal law information technology crimes.

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Conclusion

Praise be to God, and after completing the discussion of the topic (criminal protection for economic development), we reached a number of results and proposals, which are as follows:

First: The results

1. The Iraqi legislator did not put a specific definition of economic development, and this behavior is considered good. If he sets a definition for it, he will not be able to foresee in advance all the progress and development that will happen in it that would increase the prosperity and development of economic development and was not covered by the definition, which makes it a rigid text that does not keep pace. For this development, we have concluded by defining it and saying that it is a set of legal texts by which the legislator protects economic development from all illegal acts that might prejudice it, through the penalties it determines for it by applying a set of rules required by the competent authorities to arrest the criminal and sentencing him.
2. Economic development is the most important aspect of society's progress, because the more the country's economy prospers, the more this leads to stability and comfort for the country's people. Unemployment has been eliminated and manpower is attracted by providing job opportunities for all.
3. By addressing the impact of the information technology crime on economic development, we found that this technology makes services easier for individuals in terms of completing many works that

need days or weeks only in moments, but the perpetrators of this crime cause damage to files or seize large amounts of money Before electronic filing and also very shortly.

4. We noted that the life imprisonment penalty contained in the Iraqi Anti-Terrorism Law referred to in Article (5/2) will be converted into a prison sentence when mitigating legal excuses are available, and by virtue of the law, subsidiary penalties referred to in the Penal Code will be attached to it, in addition to the confiscation of the seized items. Proceeds from the crime or those that were used or prepared for use in order to commit it. Also, Article (6/2) of the Anti-Terrorism Law also stipulates confiscation as a complementary penalty, but confiscation here includes only movable money because it can be easily seized by the authorities. In the Kurdistan region, this penalty has been expanded, as it includes the confiscation of the movable and immovable funds of organizations, parties, associations, bodies, institutions, groups or individuals who are convicted of terrorist crimes by a court decision.
5. We have also noted that these crimes have resulted in a decrease in the rates of defamation and publicity crimes, for example, in the banking and banking systems that encourage the withdrawal of money deposited in banks and public funds, and this leads to the flight of capital abroad, and the withdrawal of money may lead to a decrease in the amount of money in circulation and a decrease in demand on commodities, which exposes the national economy to contraction. We also noted that achieving the goal of economic development requires the participation of the government and citizens, so legislation must be the mainstay for creating a stable economic environment to achieve a life of luxury for all members of society.
6. Crimes of assaulting economic resources are crimes that require the availability of a special element in them in addition to the two (material and moral) elements represented by the crime scene that must occur on a resource of the prosperity of the economy that would limit the economic development of society.
7. These crimes are also the reason for the delay in the economy and the flight of investment companies, because attracting capital and activating investment from inside and outside the country needs a safe environment represented by security and stability for this country, otherwise this economy will be underdeveloped because the most important companies and foreign and national capital do not invest their money in an environment other than Safe.
8. The reasons for committing these crimes are general reasons that are available in all crimes, and they may be economic reasons represented in poverty and unemployment for individuals, or they may be personal reasons.
9. Also, technological progress has a significant impact on the commission of economic crimes. In the information field, false and incorrect facts or information may be published that lead to the decline of national banknotes and state bonds, or incitement to withdraw money deposited in banks and public funds through informational means. What is available, if the element of publicity is available in it, the advantages offered by technology have a role in committing these crimes, the tremendous speed provided by the information network, in the exchange of ideas, information and messages, and the low cost of this technology when compared to other means of communication, where it is available and possible for an unlimited number of Few individuals, even those with limited income, and the

information network allows the user to obtain information from international companies and information banks.

Second: Suggestions:

The study included a number of proposals that could help our Iraqi legislator fill the gaps that he suffers from, namely:

1. We call on our Iraqi legislator to amend Article (1) of the Anti-Terrorism Law related to the (definition of terrorism) with the addition of the term (or threatened to occur) so that the definition includes threatening acts and the initiation of a terrorist act.
2. We also call on the Iraqi legislator to open factories, malls and central markets and subject them to their own pricing, which is supported by the Iraqi legislator for the purpose of attracting all manpower. Also, through these markets, factories and malls, there is no poverty after that, because the presence of an appropriate pricing supported by the Iraqi legislator makes the turnout of many From people, especially the poor, to satisfy their daily needs, and thus the legislator fights the most important economic motives for crime, which are poverty and unemployment.
3. We also call on our Iraqi legislator to delete the phrase (to achieve terrorist goals) from the definition contained in Article (1) of the Anti-Terrorism Law, because the phrase is ambiguous and unclear, and the legislator did not explain what is meant by it precisely.
4. We call on the legislator to take the necessary action to confront the crime of information technology through international cooperation by activating the application of each international agreement that would reduce these crimes in a manner that does not conflict with the interests of the country, where Internet crimes are generally considered cross-border crimes, as they are committed by any In order for the investigation to be effective, it is necessary to coordinate at the international level.
5. We call on the legislator to amend Article (328) to be in the following form (a penalty of imprisonment for a period not exceeding seven years or imprisonment shall be imposed on whoever... opens, destroys, or conceals an ordinary or electronic message or telegram that has been deposited or delivered to the aforementioned departments or facilitates for others to do so. or discloses secretly what is contained in the message or telegram, or discloses any communication or electronic telegram.The same penalty shall be imposed on anyone who discloses a phone call or facilitates for others to do so).
6. We suggest the necessity of adding another paragraph to Article (363) of the Iraqi Penal Code, which reads as follows: “Any unauthorized person who obtains data via the Internet for himself or for others from an official site protected from illegal entry shall be punished with imprisonment and a fine or one of these two penalties. An aggravating circumstance if the password for entering the site is trusted.

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