

The factors affecting law evasion among the people of Shahr-e-Qods, Iran

Ahmad Haji Safarali

MA in Criminal Law and Criminology, School of Law, Ayatollah Amoli branch, Islamic Azad University, Amol, Iran

Introduction

Iranians, like all other societies, have always suffered from a lack of attention to the existing laws and social norms. Unfortunately, in our country, there is not only the desire to law evasion but also there is the behavior, and several scientific researches in this field indicate this fact. Most of polls and surveys studied the level of law evasion among Iranians concluded that there is not a tendency to observe the law in the society. Today's society in Iran is faced with social anarchy and detachment. Law evasion is an epidemic and a huge part of the country is affected. This epidemic is rooted in lack of discipline resulted from the expansion of poverty and social class gap. Because discipline is specific for those whose natural, social and cultural needs are provided (Najafi Tavana, 12: 2002) In contrast, discipline evasion is synonymous with law evasion leading to non-contentment of people to their rights, violating the others' rights, not doing duties, evasion of responsibility and reaching the goal by any means possible. Therefore, social life is really threatened in which multiple major factors are involved.

Keywords: law evasion, social norms, discipline evasion

Introduction

One of the things affected the human society directly and indirectly from the past, especially in today's world, is the issue of law evasion. On one hand, social adhesion of every human society is conditional to the observation of its rules and norms. On the other hand, some people evade law for economic, social and cultural jobbery that bring heavy socioeconomic burdens. This law evasion is usually reflected in the surrounding satellite cities, especially in metropolitan cities like Tehran that disturbed the social order in the metropolis and also creates law aversion culture in the satellite towns. Shahr-e-Qods is one of these surrounding cities in short distance from Tehran (about 20km) that is the host of many migrants from different cities of the country and this multicultural context as well as lack of strong social and disciplinary control and the economic status cause law evasion in this city. Law evasion can be studied through the lack of integrated development and social, economic and cultural heterogeneity and implement appropriate measures by the achievements of these researches.

Considering the foregoing, it can be said that the importance and necessity of research such as this study is providing accurate statistics and detailed information of the status of law orientation and evasion in the country for the regulatory institutions. Being aware of what is going on in the subsidiaries of an organization is not only a reflection of the process and its outcome but also a necessary condition for any planning and supervision, and also seeking for solutions to solve problems (Rahimi, Shekarchi, 2012, p.5)

Research Framework

Law is the rules and regulations made by the official and legal representatives of the public and are benefited from executive guarantees (Fakoor, 2008, p. 94). Although there are dozens of volumes of legal provisions in different criminal, administrative, city and municipality, and tax areas; despite all people think that they are obeying and exercising the rules and nobody deny the

importance and necessity of observing the rules, but it seems that these regulations cannot bring desirable and useful outcomes for society in practice and sometimes the absence or presence of them is not effective. Regulations by self are not something written on the papers, this is the people (executives and followers) blowing the spirit. The rule of law on human beings and the rule of human beings on the law is an important dilemma everybody faces more or less. The rule of law on people is against the wishes and interests of the individual and group. On the other hand, law abiding and complying with the law is accepted such that one does not dare to express that I am superior to law.

Law evasion is a social legal phenomenon in contrast to law abiding. Law evasion has multiple forms and dimensions, and transfers more general concept of lawbreaking. Every lawbreaking is not law evasion, but every law evasion is not lawbreaking. Law evasion is a fraud to regulations which is in different degrees. A degree of that is fraud to law.

The abundance of law evasion in some cases can transform an abnormal to a normal and law abiding might become abnormal. The use of the term deposit, loan and mortgage in leasing contracts to prevent from mentioning the interest as rent, using advocacy Sunnat instead of definitive transfer document for car transactions to avoid excessive red tape and taxes, ongoing continuing education to avoid compulsory service and enjoyment of the exemption, inserting regional prices in the official documents of registry offices for the real estate and non-real estate transactions instead of the real prices to avoid paying taxes have become so commonplace leading to their authenticity and legitimacy. In Quran, law evasion and in particular fraud to the law has been strictly prohibited. Ethics is considered a basic element in religious law (Parvin, 2013, p.175)

The main problem in the study of law evasion is that there is no clear and accepted definition of the law evasion to the researchers. It is true that any action ignores the formal rules of society could be called law evasion, but as we said, ignoring the law covers a range of behavior from very severe (such as the murder and theft) to weak and soft (such as not respecting the copyright law). But it seems that researchers focused more on severe law evasion and the large number of studies in this area testifies to this fact. This ambiguity in the definition makes the researchers to pay less attention to the soft law evasion in their studies. However, the increase in this type of law evasion is obvious. Ironically, even the studies in the field of law evasion consider the first (hard) type in practice (Razeghi, 1999; Aliverdina, 1999).

Given the above, "law evasion is a behavior resulted from opposing the formal rules of society." And "law evader is someone who ignores the formal rules of society consciously and deliberately in their behavior." Thus, law evasion is a range of behavior covering harsh and severe (such as theft, murder, etc.) to occasional, non-violent and weak (not paying taxes, running red lights, etc.). The first type of law evasion is soft and the second type is hard. This is evident that all people commit the second type of law evasion, because this type is committed easier regarding its characteristics so that it has been accepted and common in the society. (Babaei Firojyian, 2009, p. 25)

The Ways of Law Evasion

Law evasion is done through different ways, but the common point of all these ways is non-compliance of the law. The most important form of law evasion is committing a crime that is carried out as harsh crimes such as murder or assault, or financial crimes such as embezzlement and theft, or slighter crimes such as driving offenses. Criminals are two groups: the first group is those who have been recognized and the second group is the criminals who are not known. In fact, if all the perpetrators can be likened to a big iceberg floating in the ocean, a part of the ice that is outside and visible form the first group and the rest of the iceberg hidden in the water is the second group

(Akbari, 2006: 167). Crime can be also rated from small offenses such as traffic violations to major offenses such as murder. The penalties for various crimes are also different. The punishment for some serious crimes such as murder is usually heavier; but a number of other crimes leads only to pay a fine (Ahmadi, 2005: 10).

In the meantime, sociologists divide crimes on the basis of how they occur and how society punishes lawbreakers into the following categories:

Street crimes

Most of the crimes are among street crimes. Although all of them do not occur in the street and may be occurred at home, work and other places. Street crime can be divided into the following groups.

- Violent crimes: crimes committed by force or threats against others. Such as murder, rape and looting.
- Financial crimes: some of the violations are together with violence and financial crimes. Such as car theft and arson.
- Ethical crimes: it refers to voluntary illegal behaviors usually done by one's own. Such as prostitution and drug abuse.

White collar crimes

White collar crimes and corporate crimes refer to illegal activities in which the officials owning respect and dignity commit embezzlement, fraud, deception, speculation and bribery by misusing their authority (Sotoudeh, 2007: 44). White collar crimes were introduced for the first time by Sutherland (1949) (Giddens, 2000: 177)

Crimes Statistics in the country

In recent years the rate of crimes has been increased in the country. In 2010, the entry ratio of crimes to the population was 4930 that has been increased to 5045 in 2011. At the same time, entry ratio of crimes to the population in Tehran in 2010 was 5183 that was fell to 5160 in 2011. This is due to the high population of the province. Regarding the type of crimes, theft, deliberate assault, and undeliberate assault are the first three crimes. In fact, the most important crime committed in the country is financial crime, particularly theft, and then non-financial crimes like assault; and robbery constitutes more than 12% of all crimes.

Crime Statistics in Tehran

Tehran Metropolis, in terms of population, is the largest urban area in Iran that constitutes 17% of the country's population that is 13,235,593 (Statistical Center of Iran, 2007). Based on the information contained in the above table, Tehran is the most common source of social insecurity in all four types of crime. For example, the frequency of theft in Tehran is nearly 5 times more than Isfahan and 41 times higher than Ilam. Theft is a crime that represents the pressures of urban diverse and classified life. The growth of Tehran is mostly due to the immigration of residents living in other areas rather than natural growth of population. Therefore, the high concentration of population, which is somehow resulted from concentration of facilities and services in this metropolis, has faced Tehran with crimes and insecurity. Shahr-e-Qods is heavily affected by subcultural problems and abnormalities due to its closeness to the capital and having conditions such as deformed extension, being industrial, and more than 70% non-local population (according to unofficial statistics). According to the security authorities, the rate of delinquency is very high and its scope is increasing. This city has embraced a major part of immigrant population seeking for job. A population started to create specific subcultures due to the separation from their local and ethnical culture and then causes moral corruption among young and teenage population of Shahr-e-Qods.

Currently, the tendency to the drug and its use for individual and group worried parents and community leaders and also has threatened the country's future generations. Although there are no accurate statistics on the prevalence of drug abuse among adolescents and youth in Shahr-e-Qods, it led to abnormal situation due to the specific conditions of Shahr-e-Qods and caused grave concern among parents and authorities.

Now, Shahr-e-Qods has provided a good working environment as one of the major industrial centers in terms of employment in the West of Tehran. Most of residents work at these centers as worker. After agricultural employment, civil servants have allocated a percent of employment to themselves. Totally, most people of Shahr-e-Qods are worker and came from the lower classes of society. They are also suffering a great deal more from residential texture. Most of the units built in the city were built illegally and the lands have no official record. So there are serious problems for the police and judicial system in this regard.

Causes and contexts of law evasion

Social order is one of the most important concepts of social science, and for this reason, sociologists were always concerned with addressing the issue of and social order or disorder (Chalabi, 1996); because the society without order will be subject to some kind of anomie or social disorganization. The basis of social order in any society is a set of values and social norms. Social order is established and continued with adherence to social norms by the society. There is non-compliance to the social rules or law evasion in any society to some extent, but in some cases it has become a social problem (Rabington, 2003. 29-27). There are many factors influencing the law evasion in people including:

Gender is one of the key variables that is examined approximately in most researches; In the sense that law evasion and law abiding among men is more than women (Afshari, 1999). The same result is about the attitude of obedience to the law, although the difference is not large. More than 25 percent of men disagreed with obedience to the law (vs. 22.6% of women) (Mohseni, 1999). In fact, men believe that some laws can be ignored.

Law evasion and law abiding is also affected by the variable "age". In fact, various studies observed a significant relationship between age and law evasion; in the sense that younger groups or adolescents and young adults show more abnormal behaviors or violate social norms and values rather than other age groups. In fact, the higher is the age, the law evasion reduces. Age is also effective on driving; in the sense that adults respect the rules more than lower age groups (Haji Safar Ali, 2002).

Marital status: it should be said on the effect of marital status on law evasion that, married people respect the rules more than singles (Integrity, 2005; Mohseni, 1999). In case the relationship between employment and law evasion it should be said that those people with governmental jobs respect the rules more than those who are self-employed (Sedaghat, 2005). It should be said about the place of residence that urban people escape the law more than villagers. This can be attributed to migration (Razeghi, 1999).

Social disorganization or anomie, family status, being unaware of the laws, and social welfare are among the social factors affecting the law evasion that have been studied in various investigations.

Family status: family, as a social institution, has a profound impact on people's commitment to social norms. Family plays an important role in the socialization of people throughout their lives. Hence, the stability of family and lack of conflict or internal strife, training normal and social behavior patterns, reinforcing positive social norms and social control and etc. which are the products of economic, social and cultural structure of family constitute the backgrounds and

contexts can be considered to analyze adherence to social norms. Religious families, tension between parents, emotional bond with parents and children and social control are the examples of this effect (Alikhah, 1999, Haji Safar Ali, 2002).

Another factor of law evasion is the lack of social obligations and individualism. Individualism or preferring personal interests rather than public interests has a positive effect on the law evasion behavior (Rezai, 2005; Sedaghat, 2005; Rafipour, 2007).

Being unaware of the laws is one of the factors leading to law evasion of people in the community. Certainly when people are not familiar with the content of the laws, they will fail to adhere to its rules. Not knowing the law (which could be due to the inconsistency of law and customs or due to the new or more complex laws and so on) will prevent the community from law abides (Public Culture Council, 1996, Abdi, 2002).

Disorganization or feeling of anomie is a social factor affecting law evasion. When people feel chaos engulfed the community or in other words there is a force in the society and that stronger force is better able to achieve its goals, respecting the law has no place. Studies show the positive effect of this factor on law evasion (Rezai, 2005; Rafipour, 1999). Immigration is also one of the factors underlying law evasion. Reduction of social control in the cities and individual's rid of rural restricted society that has strong surveillance on all the behaviors provide ample space to commit unconventional activities.

Uneven urban development together with reduced informal controls on individuals increases law evasion in the society. A research made in this field using longitudinal method and comparative method shows that an increase in urban development (uneven) and industrialization of cities of Mazandaran province will increase law evasion (murder, robbery, assault, etc.) (Dr. Aliverdinia, 1999)

Perhaps the most important and the most significant variable in explaining the adherence and non-adherence to social norms is "socio-economic status". Its effect is evident in the positive and negative aspects in most studies suggesting this variable and entering in the analysis. In addition, economic factors such as poverty and lack of income, social gap, marginalization, inadequate housing are the underlying factors of crime.

Law evasion in many communities is rooted in history and the past due to certain circumstances. Non-compliance and compliance of the law dates back to a lack of knowledge about the functions of law; a task that's on the government and the state: avoiding task-oriented view, moral weakness, neglecting the position of culture in regulation and legislation, weak regulatory system, contradiction of the law with individual and group interests, undermining the role of customs, habits, and beliefs in the laws, engendering distrust atmosphere in the society and thereby discrediting the role of public participation.

In addition to the factors above, there is another group of factors effective on committing the crimes and law evasion. This group is called security factors. Factors such as inefficiency of diagnostic institutions, police inefficiency, ineffectiveness of the judicial institutions, lack of monitoring tools and capabilities, violations of enforcement agencies will also increase the contexts of law evasion.

Legal factors are effective on the level of law evasion in the community. In order to understand the grounds of law evasion in the society, we must involve at least four factors including the followings in a hierarchical order:

- The lawmakers
- The content of the law
- The executives of the law
- The followers of the law (People)

If the lawmakers who can be either individuals or legislator systems are firstly chosen from the specialists and then through civil selection processes, the law evasion of the community can be decreased significantly. It is evident when legislators recline on the legislation seat through their relations, there will be a gap between them and people which is not filled without law evasion. Incomplete content of the law can provide the context of law evasion in the society.

On the other hand, the followers, I mean all people with beliefs originated from individual and collective culture of the society where they live can be effective on the law evasion (or law abiding). Finally, disregarding the law enforcement is another factor for law evasion.

Theoretical framework

Several theories have been proposed in the social sphere in the field of law evasion. In this regard, Durkheim believed that when economic fluctuations disorganize every aspect of life, social adjustment will be weaker and the law evasion rises in the community. According to Durkheim, severe economic fluctuations leading to sudden accumulation or loss of wealth have more certain effect and will reduce the process of social adaptation and obedience of the laws and customs as social forces; because it would cause an abrupt change in social values and create confusion among people. (Momeni, 32: 2002)

Robert Merton in structural theory presents convincing sociological explanations about the relationship between poverty and law evasion. He argues a society that put too much emphasis on material success and recognizes assets as the success criteria, wealth is known as a cultural and social target and most people actually accept that success is measured by wealth. Since a small group of society has wide access to financial facilities and goals, a broader population find little access to income-generating practices, as agreed and appropriate for measures of success. So the social purpose and tools are not in conformity for the group of people (the poor). The group's goal is good but they do not have access to. According to Merton, in this situation poor people try to socially adapt in different ways. The efforts of these people on the selection of ways to adapt with the social purpose may be a range of different behaviors, such as providing new facilities for themselves which is not acceptable to the community or committing illegal behavior to earn money and wealth. In general, according to Merton, the poverty spreads to society when the society do not equally distribute the means and facilities to produce wealth talented and the talent and capability of people for legitimate efforts will not be honed equally. So in these circumstances, we can expect the poor to show more illegal behaviors to meet their necessary demands and needs. (Abdullahi, 127: 1999; Momeni, 2002)

Research Methodology

In this study, library and survey methods were used. Library method was used for theoretical framework and their relationship, and survey method to adjust and complete the questionnaire and collect data. In library method we refer to the websites, books, domestic and foreign articles, and survey method was used to collect data and information. The population in this study includes all people of Shahr-e-Qods aged over 18 years. The sample was selected using random sampling based on population size and appropriate formulas. The questionnaire was delivered to them.

After data collection and categorizing them, the data was coded and entered into the computer. The data were analyzed in computer using SPSS software. At first, the initial analysis was performed using descriptive statistics such as frequency distribution, table, central and dispersion indices and then final report was prepared using inferential statistics such as Pearson correlation coefficient.

Data analysis

According to the analysis of the results, a set of factors affect the law evasion in the society. The results of testing hypotheses are offered below:

The results of the first hypothesis suggest that there is a significant relationship between law evasion and age. Most of crimes, particularly violent crimes, occur at the young ages. Thus, the peak of delinquency rate is from 20 to 30 years old. So, more attention should be paid to the youth for the prevention of crimes.

The results of the second hypothesis suggest that there is a significant relationship between law evasion and education level. As the education level increases, the people's understanding of social affairs will be increased. In addition, the possibility of employment and entering to social realms will be more. It is predicted that increased education level will reduce the crimes.

The results of the third hypothesis suggest that there is a significant relationship between law evasion and income level. As the lack of income and poverty underlie many crimes, especially financial crimes, income level is directly related to law evasion.

The results of the fourth hypothesis suggest that there is a significant relationship between law evasion and job. The possibility of committing crimes is at minimum in many jobs, for example committing normal crimes by civil servants is very low. In contrast, the crimes statistics in self-employed jobs is very high.

The results of the fifth hypothesis suggest that there is a significant relationship between law evasion and marital status. Since marriage leads to the loyalty of person to family and society and also increases his attachments, the possibility of crimes will be reduced.

The results of the 6th hypothesis suggest that there is a significant relationship between law evasion and individualism. In fact, the basis of many law evasions is from negative individualism and preferring personal interest to public interests, it will make the context of law evasion.

The results of the 7th hypothesis suggest that there is a significant relationship between law evasion and weak collective commitments. In fact, social commitments are the opposite of individualism; the individual's attachment binds him to the law.

The results of the 8th hypothesis suggest that there is a significant relationship between law evasion and training in family. Since the first trainings of socialization are made in the family and the individual learns social regulations in the family, training in the family plays important role in reducing law evasion.

The results of the 9th hypothesis suggest that there is a significant relationship between law evasion and weakness of education in schools and university. The second environment after family for socialization is school and then university. Weakness of education in school and university can underlie law evasion.

The results of the 10th hypothesis suggest that there is a significant relationship between law evasion and non-compliance of the laws with the needs of society. A part of our rules are not in conformity with the needs of society and it will lead to law evasion.

The results of the 11st hypothesis suggest that there is a significant relationship between law evasion and police inefficiency. Police as the most important responsible of combating against crime and law evasion plays important role in prevention from crimes. The inefficiency of police in the country leads to law evasion due to several reasons including lack of facilities.

The results of the 12th hypothesis suggest that there is a significant relationship between law evasion and violations of law enforcement authorities. In fact, a major part of crimes such as speculation, illegal construction are resulted from the violations of executive organizations.

The results of the 13th hypothesis suggest that there is a significant relationship between law evasion and unequal implementation of the laws for different groups of society. Unequal implementation of the laws for different groups of society makes people evading the law.

The results of the 14th hypothesis suggest that there is a significant relationship between law evasion and weakness of monitoring facilities. Since the monitoring of associated organizations is one of the most important factors to prevent law evasion, weakness in these facilities will increase the possibility of law evasion.

Given the above, we can say that a set of factors cause the law evasion to be extended in our study area (Shahr-e-Qods) and make this city as one of the hot spots in the country.

Conclusion

As noted, a set of factors have caused the law evasion to be increased in Shahr-e-Qods. The immigration status, different cultures, unauthorized constructions have provided the contexts of law evasion. An increase in population also caused the authorities not to be able for planning to prevent from law evasion. Thus, as the root of many of illegalities in Shahr-e-Qods is irregular migration from various regions, an appropriate way to prevent migration includes creating jobs in other provinces. Much of the illegalities in Shahr-e-Qods traced back to unauthorized constructions. According to the fact that many lands in Shahr-e-Qods have no official documents, it is necessary to take required measures in order to determine the status of these lands

References

- Abdi, A. (2002). Shortcomings in the law and the rights of the Public culture. In reality the rule of law in Iran, Tehran: New plan.
- Abdullahi, M. (1999). Barriers on law evasion and the ways to deal with it in Iran. Law abide and Public culture. Tehran: the Publications Department of Culture and Islamic Guidance.
- Afshari, R. (1999). The tendency to law and the factors affecting it. Department of Culture and Islamic Guidance of Hamadan, Islamic Azad University, master's thesis
- Ashtiani, M. (2002). Some of historical causes for the lack of rule of law in Iran's society. In architecture, the rule of law in Iran, Abbas Abdi (editor), Tehran: Tarh No. 2
- Attarzadeh, M. (2008). The letter of strategic studies of population growth. 5 and 6
- Babei, Y., & Firoozjayan A. (2009). Sociological analysis of the factors affecting law evasion, Police Knowledge, 11 (4).
- Chalabi, M. (1996). Sociology of order, Tehran: Ney Publication
- Haj Safar Ali, A. (2002). The causes of law evasion in driving. Master's thesis in sociology, Islamic Azad University, Science and Research branch.
- Kalantari, S. (2009). The relationship between poverty, law evasion, and the formation of social harms. Journal of social welfare, 18, 65-90.
- Latifi, Gh., & Basatian, M. (2012). Security consequences of centralization in Tehran. Cultural studies, Institute for Humanities and Cultural Studies, 3 (1).
- Ministry of Culture and Islamic Guidance (2002). The findings of the survey in 28 provinces of the country about the values and attitudes of Iranians. First edition, Office of National Values and Attitudes Project publication.
- Moeedfar, S. (2000). Sociology of contemporary social issues. Tehran: Sarzamin Ma publication.
- Mohseni, M. (1999). Attitudes toward obedience of the law in Iran. In the law evasion and public culture. Tehran: Publications Department of Culture and Islamic Guidance.
- Moin, M. (1984). Persian Encyclopedia. Tehran: Amir Kabir publication.
- Public Culture Council Secretariat (1996). Attitude of people in Eurmia toward law and the spirit of law abide. Public Culture Council Secretariat of West Azarbaijan

- Rafipour, F. (1999). Anomie or social disorganization: research on anomie in Tehran, Tehran: Soroush publication.
- Rahimi, M., & Shekarchi, Z. (2012). The factors affecting the law evasion of people in Khakhal.
- Razeghi, S. A. S. (1999). Socioeconomic development and law evasion in the law and Public Culture, Tehran: Culture and Islamic Guidance Printing & Publishing.
- Rezaei, M. (2004). The level, type and factors affecting law evasion. Research project, the Institute of Culture, Art and Communication of the Ministry of Culture and Islamic Guidance.
- Shiri, T. (2004). Social causes and factors affecting the phenomenon of law evasion and its consequences in Iranian society (From the Constitution so far). Doctoral Dissertation in Sociology, Islamic Azad University..