

## OPEN PEER REVIEW

# Analysis of Judicial and Executive Policy in Dealing with the Smuggling of Goods and Currency through Official Channels

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Received: 2027-03-01    Revised: 2026-02-24    Accepted: 2026-06-11    Initial Publish: 2026-06-29    Final Publish: 2027-03-01

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

In the introduction, the authors state that “approximately 31–32 billion USD annually” is smuggled through official channels. This figure is central to the article’s significance, but no precise source, year, methodology, or reliability assessment is provided. The manuscript would be strengthened by presenting the original statistical source, explaining how the estimate was generated, and discussing potential limitations of these figures.

The paragraph beginning with “We distinguish between two main spheres” introduces judicial and executive policy as analytical categories. However, these concepts are treated primarily descriptively rather than theoretically. The authors should provide a more rigorous conceptual framework, drawing on criminal policy theory, governance theory, or public administration literature to justify the distinction and interaction between these two spheres.

The paragraph beginning with “One of the most sensitive stages of criminal proceedings is the issuance of security measures” raises important concerns about pre-trial detention. Nevertheless, the article does not present empirical evidence regarding detention rates, detention duration, or the proportion of defendants subjected to custodial measures. Such evidence is essential for supporting the argument.

In the discussion of defendants’ rights, the authors assert that access to counsel is sometimes restricted despite the absence of statutory limitations. This claim requires documentation through reported cases, bar association reports, judicial oversight findings, or empirical research. Without supporting evidence, the argument remains largely anecdotal.

The section entitled “Recent Developments: Special Panel for the Prosecution of Currency Crimes” describes institutional reforms announced in December 2025. Since these developments are recent, the authors should explain the evidentiary basis for evaluating their effectiveness and distinguish between actual outcomes and anticipated consequences.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

In the paragraph stating that “the relationship between these two spheres is dialectical,” the article advances an important theoretical claim but does not operationalize this dialectical relationship. The authors should clarify the mechanisms through which judicial and executive policies influence one another and provide empirical examples demonstrating this interaction.

In the section “Theoretical Foundations: Judicial and Executive Policy in Confronting Smuggling,” the manuscript relies heavily on conceptual exposition but cites very limited scholarly literature. For a study intended to contribute to legal and policy scholarship, a more comprehensive review of international and comparative literature on judicial policy, administrative enforcement, and economic crime control is necessary.

The claim that “more than 40% of interviewed judges identified lack of clarity in jurisdictional rules as one of the main obstacles” raises methodological concerns because no information is provided regarding the interview sample, interview design, data collection procedures, or publication source. The authors should clarify whether this evidence originates from an original study or secondary literature and provide methodological details accordingly.

In the paragraph discussing de-specialisation, the statement that judges often rely on customs expert opinions “without possessing the technical capacity to critically evaluate those opinions” is a significant assertion regarding judicial competence. Such a claim requires stronger empirical substantiation, preferably through documented case analyses, judicial surveys, or official assessments.

The discussion of Article 33 and the presumption of guilt provides a useful legal critique; however, the illustrative example involving “a border porter returning with five kilograms of dates” appears hypothetical. The authors should distinguish clearly between hypothetical scenarios and actual judicial cases and, where possible, support the argument with reported judgments or documented case law.

In the section on burden shifting, the manuscript repeatedly concludes that current practices “undermine the presumption of innocence.” While this may be persuasive, the argument would benefit from a comparative constitutional analysis examining whether these presumptions satisfy proportionality, necessity, and due process standards recognized in other jurisdictions.

The subsection on procedural delay identifies several causes of inefficiency, including jurisdictional conflicts and shortages of specialized judges. However, the manuscript does not provide quantitative evidence regarding average case duration, backlog statistics, or comparative processing times. Inclusion of such data would substantially strengthen the argument.

In discussing inconsistent judgments, the article states that “two chambers of the same court in the same year may issue entirely different decisions in two nearly identical cases.” This is an important observation, but no specific judgments, case citations, or doctrinal comparisons are provided. The authors should incorporate concrete examples to demonstrate the extent of judicial inconsistency.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.