

A Comparative Study of Criteria and Strategies of Optimal Enforcement in Competition Law with Emphasis on its Place in the Law of Iran

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Abstract

According to the competition law of Iran, antitrust violations should be punished by optimal sanctions. Nevertheless, there are a lot of missing elements for optimizing enforcement of law. This article considers the meaning of the optimal enforcement as a theory and outlines the basics. The reasoning behind the theory is based on the logic of deterrence and economic incentives of violation. This viewpoint emphasizes on the optimal oriented mechanisms and incentives to commit violations. The optimal enforcement serves the theory of deterrence and distinguishes non-legal sanctions.

The findings of the article, with comparative study confirm the benefits and necessity of optimal enforcement theory in competition law. Optimizing the law of enforcement improves the efficiency of law and is compatible with the economic basics of competition law. As a result, it is safe to say contrary to the current approach, this theory should be approved in the law of Iran.

Keywords: Anticompetitive Affairs; Competitive Policy; Deterrence Theory; Optimal Law Enforcement; Optimal Sanction.

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