

Challenges of Whistleblowing in Iran's Criminal Justice System: A Focus on Detection and Prevention of Governmental Crimes

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Whistleblowing, a modern phenomenon, is considered a significant measure for exposing governmental crimes. In Iran's legislative framework, whistleblowing faces legal challenges and requirements that are explored in this study. The primary research question addresses the challenges of whistleblowing in Iran's criminal justice system and examines to what extent these challenges can contribute to the detection and prevention of governmental crimes. The objective is to elucidate the obstacles to whistleblowing and its impact on identifying and preventing such crimes. The present study employs a qualitative approach, adopting a descriptive-analytical methodology. Data were collected through detailed document analysis and thoroughly examined. Whistleblowing fundamentally refers to the exposure of crimes in a positive sense, aimed at uncovering and preventing the violation of majority rights by the ruling minority within society. Governmental crimes often occur covertly, and without whistleblowing, they remain undiscovered and concealed. The challenges of whistleblowing include ensuring protection for whistleblowers, preventing baseless whistleblowing and the resulting increase in defamation cases in judicial systems, strengthening immunity for whistleblowers, supporting whistleblowing through press laws, and legally preventing governmental crimes via whistleblowing. Essential strategies and requirements for utilizing whistleblowing to detect and prevent governmental crimes include promoting transparency in government operations, enhancing civil society and non-governmental organization participation and oversight, leveraging Islamic principles (e.g., *enjoining good and forbidding evil*), ensuring the right to free access to and dissemination of information through media, using constitutional capacities, adopting legislative policies, and uncovering organized governmental crimes in complex security layers.

Keywords: Law, Transparency, Whistleblowing, Governmental Crime, Detection and Prevention.

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1. Introduction

Whistleblowing has become a prominent phenomenon in recent decades, drawing the attention of governments as a means to uncover and

expose crimes committed within their own structures. Broadly defined, "whistleblowing refers to the disclosure or reporting of wrongdoing, including but not limited to corruption, criminal offenses, breaches of legal obligations, miscarriages of justice, specific risks to



public health, safety, and the environment, abuses of power, unauthorized use of public funds or assets, gross waste, mismanagement, conflicts of interest, and any effort to conceal these actions" (Mohseni, 2021).

The detection and prevention of governmental crimes represent a critical aspect of justice in society, which should be established through a country's legal framework. The term "should be established" is used because an ideal doctrine for the prevention of governmental crimes has yet to be developed in Iran. However, whistleblowing can be considered a viable option for preventing such crimes. Examples include corruption within governmental institutions, state violence against individuals or groups, widespread environmental destruction, and violations of rights on a broad societal level.

Understanding the phenomenon of whistleblowing in Iran's criminal justice system is crucial for its effective application in the prevention of crimes. Many theoretical and empirical studies have been conducted in various legal systems globally to examine this topic. Clearly, any useful information about the initiation or occurrence of a crime can facilitate its detection, prosecution, and the identification of offenders.

However, the discussion becomes particularly challenging when it involves governmental crimes, where power and influence play a significant role in concealing or revealing such offenses. In such cases, the criminal justice system can promote whistleblowing, address its challenges, and uncover governmental crimes through supportive measures. Nonetheless, the critical aspects of whistleblowing include its protective and predictive dimensions.

If an individual discloses information that helps identify criminal deviations within governmental organizations, the predictive aspect is evident. On the other hand, the protective aspect depends on the criminal justice system's commitment to allocating resources for this cause. Thus, the detection and prevention of governmental crimes, along with the associated strategies and requirements, through whistleblowing hold exceptional significance in Iran's legal system.

Whistleblowing in Iran's legislative system faces obstacles, challenges, and requirements that must be addressed for effective and accurate crime detection. Mohseni (2021) examined this issue in an article titled Crime Prevention in Organizations by Supporting

Whistleblowers in the U.S. Legal System and stated: "Whistleblowers are the most critical factor in preventing potentially dangerous errors from escalating into disasters. Notable whistleblowers have faced numerous threats and risks. Despite extensive efforts to support whistleblowers, this phenomenon continues to encounter significant challenges and obstacles."

Key aspects of this process include the right to access and disseminate information, data privacy, transparency, whistleblowing, and utilizing experiences from other countries and Iran's legal resources. The current study explores whistleblowing and the necessity of supporting whistleblowers as a key strategy in preventing organizational corruption.

Rezaei-Siabidi (2017), in his book titled *Strategies to Combat Administrative Crimes and Economic Corruption in Governmental Organizations*, explores this topic and states: "This book, authored by Alireza Rezaei-Siabidi and published by Ghanoun Yar Publications, aims to examine strategies for combating administrative corruption in governmental organizations from the perspective of employees in the Economic and Financial Affairs Office of Sari.". The research is applied in its objective and descriptive-correlational in its data collection method. Data were gathered through library research and a standardized questionnaire containing 26 questions. This study was conducted with 130 employees of the Economic and Financial Affairs Office in Sari, and data analysis was performed using SPSS software and the t-test. The results of hypothesis testing indicate that the variables, in order of significance, include appropriate employee incentive and disciplinary systems, reduction and simplification of regulations, privatization, development and support of mass media, and strengthening oversight institutions, all of which significantly impact the reduction of administrative corruption (Rezaei Siabedi, 2017).

Aliniaqian, Nasr Esfahani, and Safari (2016), in their research titled *The Impact of Organizational Structure and Culture on the Tendency to Whistleblowing in Organizations*, examined this topic and stated: "The objective of this research is to identify the impact of organizational structure and culture on whistleblowing." This study was conducted using a mixed-method approach. In the first phase, a qualitative approach was employed, utilizing the Delphi method. Upon achieving consensus, 21 items with an agreement coefficient of

0.441 were identified. In the second phase, a quantitative approach was employed. Based on the Delphi results, a questionnaire was designed and validated using CVR and CVI criteria. Reliability was assessed using Cronbach's alpha, yielding a value of 0.802, which was deemed acceptable. The questionnaire was distributed among the target population, and 274 responses were collected from nurses, physicians, and administrative staff at Al-Zahra Hospital in Isfahan. Structural equation modeling (SEM) was used to test the data within the designed model. The results confirmed the overall fit of the model and demonstrated that both organizational structure and culture significantly influence whistleblowing (Alinaghian et al., 2016).

1.1. Challenges in Addressing Governmental Crimes

When discussing governmental crime prevention, it is essential to note that the government itself holds the power and serves as the legal enforcer for crime prevention. Therefore, conceptualizing crime within the framework of the government is challenging, and proving it poses even greater difficulties.

Governmental crimes, due to the legal nature of government as an entity, often cannot be prosecuted in the real world. However, strides can be made to recognize these crimes and achieve consensus on their definition. It is worth mentioning that, despite inhumane and anti-humanitarian actions perpetrated by governments and their infringement on citizens' rights in certain cases, the criminalization of such acts has gained traction in recent years, albeit with variations across countries.

A definition of governmental crime is necessary. Shirazi (2010) defines governmental crime as "the ostensibly lawful behaviors of a government that violate fundamental domestic and international norms, natural rights of citizens, and human rights."

In 1989, the concept of governmental crime was first introduced by William Chambliss at the American Society of Criminology. Chambliss defined governmental crime as "criminal acts committed by officials of the government in the course of their occupations and on behalf of their governments" (Rothe, 2006).

This definition reflects an objective perspective on governmental crime. From a broader viewpoint, governmental crimes can be described as "illegal, anti-social, and oppressive actions undertaken for the benefit

of governments or their institutions, rather than for individual gain." Gholami and Abbasi (2017) state, "Governmental crime is essentially a form of deviance" (Gholami & Abasi, 2017).

This perspective aligns with the author's viewpoint, as the government, by its nature, cannot be inherently criminal, nor can governmental officials be inherently criminal. Instead, criminal behavior emerges gradually through deviance, leading to crime. If these deviations are exposed and publicized through whistleblowing, they might be stopped before escalating into actual crimes.

1.2. Organizational Crime and Whistleblowing

Criminal behaviors at the organizational level arise due to three main factors: pressure to achieve goals, the availability and attractiveness of illicit tools, and the lack or weakness of social control mechanisms.

"Governmental crime, alongside corporate crime, organized crime, and crimes committed by charities and other nonprofit organizations, constitutes categories of organizational deviance. It is now established in criminology that both organizations and individuals can be agents of deviance" (Kauzlarich & Kramer, 1998).

In some cases, governmental crimes can occur in an organized manner. However, the role of whistleblowing in exposing organized governmental crimes requires definition and groundwork. First, organized governmental crimes must be defined, and based on this definition, their exposure should be categorized according to their significance.

An expansive economic definition of organized crime is "systematic criminal activities aimed at generating money or power." In this sense, governmental crimes, corporate crimes, and anti-governmental political crimes all fall within the category of organized crimes. A distinctive feature of the governmental crimes discussed here is "trading in illegal markets," often aimed at monopolizing a particular product or service in a specific region.

Additional characteristics of organized crime include influence over legal economies, specialization in crimes involving economic institutions, and reliance on violence and corruption (Gardiner, 1970). Exposing such crimes requires support and encouragement for whistleblowers.

1.3. Whistleblowing and Social Awareness

Today, whistleblowing often occurs through media platforms, which can raise public awareness and apply social pressure on governmental offenders, potentially serving as a preventive factor against future crimes.

One of the most critical requirements for supporting whistleblowers is creating a safe environment for disclosure and instilling confidence in whistleblowers about their security at both governmental and societal levels. Legislative policies play a crucial role in achieving this goal. However, such policies must enjoy broad public support to prevent governments or individuals acting under their auspices from manipulating legislative processes to their advantage.

1.4. Crime Prevention and Legislative Policies

Most whistleblowing focuses on exposing crimes committed by individuals in government positions, including corruption within the government framework. "Crime prevention refers to any criminal or non-criminal measures that have a deterrent effect against crimes" (Darabi, 2016). Effective prevention of governmental crimes requires knowledge of such crimes before they occur. Transparency and access to information are among the most critical requirements.

The principle of free access to information and its dissemination, as stipulated in Article 2 of the Law on Publication and Free Access to Information (2009), guarantees the public's right to access information. However, government officials, by leveraging their influence in executive, judicial, or even legislative bodies, may obstruct investigations into governmental performance and efforts at transparency. For this reason, unrestricted access to information and the free disclosure of governmental actions remain the best options for prevention.

Our theoretical framework highlights the weaknesses and gaps in Iran's criminal justice system regarding the detection and prevention of governmental crimes through whistleblowing. Thus, we focus on the potential for uncovering governmental crimes via supported whistleblowing.

"Terms and strategies such as 'social prevention,' which emphasizes understanding the roots or contexts of crime, and 'situational prevention,' which aims to eliminate or reduce opportunities and situations

conducive to crime, have gained importance" (Varavi, 2015). Situational prevention is a type of non-criminal or proactive prevention that focuses on the temporal and spatial circumstances of crime, making it difficult for offenders to commit crimes or denying them the opportunity to do so (Shiri, 1999, 2010).

Among these strategies, social prevention is of particular significance. Experts believe social prevention is the most effective method for reducing criminal behavior. By altering social and environmental conditions and raising cultural awareness and public oversight, it is possible to foster healthy and effective individual personalities.

"It is now more necessary than ever for the police and judiciary to collaborate with the public and engage in cultural education to create a healthy environment. Public education and awareness campaigns can deter at-risk individuals in vulnerable areas from committing crimes" (Hashemi & Farahmand, 2013).

1.5. Challenges and Requirements for Whistleblowing

Returning to the primary question about the challenges and requirements of whistleblowing in Iran's criminal justice system for detecting and preventing governmental crimes, several issues become evident. Legal support for whistleblowing, enhancing immunity for whistleblowers, and addressing false whistleblowing claims are among the main challenges. False claims can cause reputational harm to individuals and officials dedicated to sincerely addressing societal issues, resulting in an increased number of defamation cases in the judiciary.

One of the most important requirements for effective whistleblowing is transparency. Transparency involves making governmental actions accessible for free and unrestricted dissemination by individuals, civil society, and the press. This is critical for informing the public while ensuring adherence to the rule of law and respecting individuals' privacy rights within society.

1.6. The Legal and Judicial Movement of Whistleblowing on a Domestic Scale

The most critical governmental crime, whose exposure holds moral, legal, and social significance, is corruption. Corruption represents the principal governmental deviation, leading to widespread violations of citizens' rights, or more broadly, the rights of all societal groups.

What differentiates corruption from other forms of official misconduct is its inherently "secretive exchange" nature. Corruption may take the form of simple bribery, reciprocal favors between governmental and non-governmental actors, or embezzlement. It can also describe "illegal exchanges" by officials, resulting in some form of illicit reward.

"The Chinese regime's policy of promoting capitalist enterprises while maintaining a power-driven communist political system, by granting relative independence to local cadres and corporate managers, creates numerous opportunities and significant motivations for individual and organizational corruption. The Chinese government's response to corruption mirrors Western governments' approach to street crimes by employing strict but ineffective 'law and order' measures, including executions of high-ranking officials, while avoiding changes to the economic policies that foster these issues" (Smart, 1999).

Corruption can shape the laws or policies enforced by governmental institutions, influencing organizational objectives. "The corrupt use of executive authority often represents a form of individual deviation against the government. However, rent-seeking, or using executive power as a source of profit, may become an institutionalized organizational goal, where institutions aim to maximize opportunities for discretionary decision-making that generates benefits; or where bureaucratic procedures are adopted solely to extract 'grease money' for expediting business decisions and unconventional transactions" (Gaylord & Levine, 1987). A striking feature of certain corruption reports is the use of euphemisms by perpetrators to disguise their actions, even when openly receiving bribes. Government-initiated crimes occur when state-supervised companies engage in organizational misconduct to benefit the government, often with its implicit approval.

Overall, governments and corporations are responsible for the vast majority of human rights violations imposed on citizens worldwide. Corporations that oppress and violate human rights may be granted immunity by the governments under whose jurisdiction they operate. By exposing such conduct as criminal and highlighting the government's deviant role in supporting these behaviors, civil society can impose informal sanctions on entities criminally responsible for human suffering and environmental damage.

Authoritarian regimes that broadly violate citizens' rights often disregard their duty to protect society from risks associated with natural disasters. For instance, China's famines between 1951 and 1961, famines in North Africa (Sudan, Ethiopia, and Somalia) during the 20th century, and the earthquakes in Turkey in 1999 and 2023, which collectively caused over 100,000 deaths, illustrate the direct correlation between human rights violations, governmental corruption, and natural disasters. These examples demonstrate that "disaster mitigation strategies are often ineffective until the fundamental structural and political dimensions of societies exposed to natural disasters are examined and disclosed, and governments are held accountable" (Woodiwiss, 2001).

"We believe the value of political criminology regarding natural disasters should be evident. Unless governments are scrutinized as perpetrators of crime and their roles in disaster management are exposed, we will continue attributing natural disaster consequences to natural factors and seeking solutions outside the political framework of governmental structures. Given people's vulnerability and the extensive pressures on the environment, we must establish a direct relationship between political repression, poverty, corruption, and the destructive outcomes of so-called 'natural' disasters. These outcomes should not be seen as inevitable consequences of geophysical activities but as direct results of governmental deviations" (Schelling, 1984).

The Iranian government has recently launched a website for reporting (whistleblowing) corruption specifically within the public sector. Although this initiative is currently in its experimental phase, it represents a promising step toward more effective whistleblowing movements.

"According to the Ministry of Economic Affairs and Finance, corruption includes bribery, embezzlement, collusion, abuse of administrative and political power, illegal payments or receipts from public resources, and the unlawful allocation of public resources. Furthermore, this directive emphasizes confidentiality in handling whistleblower identities, monetary and non-monetary rewards, and processes for addressing reports. Whistleblowers can be any individual or legal entity, including ministry employees, affiliated agencies, the general public, and civil society organizations, who may submit corruption-related information through the

ministry's whistleblowing platform or physical reporting boxes. Whistleblowers may file reports anonymously or by providing their identity, which will remain confidential and accessible only to the responsible investigative authority".

1.7. Legislative Support for Whistleblowers

The Thirteenth Government Directive includes notable measures in Article 5 to incentivize whistleblowers:

"For reports that, according to Article 11 of this directive, result in the confirmation of corruption and issuance of a final conviction or lead to financial recovery for the government, two categories of rewards are defined:

a) **Monetary Rewards:** In cases of financial recovery for public resources due to the report, the whistleblower will receive 3% of the recovered funds, up to a maximum of 10 billion rials. The 'Verification Committee' is responsible for determining the exact financial recovery and reward amount based on court rulings and verification by competent authorities.

b) **Non-Monetary Rewards,** which may include certificates of appreciation by the minister, recognition as an exemplary employee, priority for promotion to sensitive managerial positions (for employees of organizations under Article 2 of the directive), and public acknowledgment through media or related events (subject to the whistleblower's consent).

In cases where financial recovery does not occur despite the accuracy of the report and verification of corruption (e.g., when the report prevents corruption or identifies a high-risk area), the whistleblower may receive non-monetary rewards and a discretionary cash gift determined by the Verification Committee" ([Whistleblowing Document, 2021](#)).

Currently, the Iranian Parliament is reviewing the "Whistleblower Protection Bill," which proposes that any individual or entity aware of crimes listed under Article 36 and its provisions—whether as accomplices, partners, or officials within the implicated organization—can report the matter in writing, either confidentially or publicly, to the prosecutor, the head of the judiciary, or other relevant authorities. Whistleblowers may receive up to 50% of the recovered or future-confirmed financial amounts from the crime, capped at 100 billion rials for ordinary crimes and 1 trillion rials for economic disruptions.

The head of the judiciary is tasked with proposing the annual whistleblower protection budget, while the Budget and Planning Organization allocates the approved amount by the following June. If the whistleblower is an accomplice in the crime, they will be exempt from punishment.

These developments indicate significant strides toward supporting whistleblowers exposing governmental crimes. However, ambiguities and gaps remain, including the lack of clear definitions for the governmental crimes subject to whistleblowing.

This study aims to investigate whistleblowing in uncovering governmental crimes, examine the dimensions of whistleblower support within Iran's legal system, and explore ways to guarantee the rights of whistleblowers when exposing governmental crimes and high-risk governmental behaviors.

2. Methodology

This research employs a descriptive-analytical approach and is of a documentary nature. Conducted independently and methodically, it utilizes theoretical studies aimed at describing and explaining the challenges of whistleblowing. The study provides new insights into whistleblowing phenomena by examining relationships and observable trends in detecting and exposing governmental crimes.

3. Findings

3.1. Strengthening Immunities to Protect Whistleblowers

Ensuring immunity for whistleblowers against opposition and potential threats from those in power or others is critically important. Whistleblowing about governmental crimes and corruption must be legally supported to shield whistleblowers from threats and higher-level officials implicated in such crimes. Without this protection, whistleblowers may become defenseless against influential government officials and may even be subjected to false accusations.

Immunity becomes effective when legislators, grounded in the rule of law and higher-level regulations, clearly define whistleblowers' rights and establish legal protections for them. Regarding the status of whistleblowing and its regulations, "For the first time in 2003, the Administrative Health Promotion and Anti-

Corruption Program was approved. Subsequently, in 2004, the Regulation on Preventing and Combating Bribery in Administrative Agencies was drafted, and finally, the Bill on Administrative System Health Promotion and Anti-Corruption was approved in 2008. It was implemented on a trial basis for three years and ultimately ratified by the Expediency Discernment Council in 2011. Before this law's ratification, the Islamic Republic of Iran joined the United Nations Convention Against Corruption in 2003. Article 33 of this convention emphasizes whistleblower protection, stipulating that member states should implement necessary measures to protect individuals who, in good faith and for reasonable grounds, report incidents related to crimes defined under this convention to competent authorities, safeguarding them from undue treatment under their domestic legal frameworks" (Damaki, 2017).

Despite these efforts, Iran has recently sought adequate legal guarantees for whistleblowers. However, the lack of coordination between governmental organizations and legislative institutions poses a significant challenge. Drawing from other countries' experiences in this regard seems necessary.

Regarding immunity and protection for whistleblowers, Article 25 of France's Law No. 2013-907 on Transparency in Public Life states:

"No individual should face exclusion from recruitment processes, denial of internships or training opportunities, disciplinary actions, dismissal, or direct or indirect discriminatory measures, particularly concerning remuneration, treatment, training, reinstatement, assignments, required qualifications, categorization, promotions, transfers, or contract renewals, for reporting in good faith to an employer, an ethics authority within the organization, a recognized anti-corruption non-profit organization, judicial or administrative authorities, or in cases related to conflicts of interest as defined in Article 2 of this law."

However, whistleblowers should not report solely for personal gain. Unlike the U.S. system, whistleblowers in France are not rewarded financially unless the whistleblower is a victim of the disclosed misconduct. In such cases, compensation is considered a right despite personal benefit. Certain professionals, such as journalists and company auditors, are excluded from these protections as identifying crimes and violations falls within their job responsibilities.

French courts, guided by European Court of Human Rights principles on misuse of freedom of expression in whistleblowing, apply specific criteria to assess good faith:

1. The whistleblower must have valid reasons to believe the disclosed information is truthful.
2. Whistleblowing must serve the public interest.
3. The motivation should not be personal revenge, grievance, or expectation of personal reward.

From January 2018, all employers were required to implement whistleblowing policies. France has adopted strict regulations for whistleblower protection in workplaces, particularly under its 2016 law on transparency, anti-corruption, and economic modernization. According to this law, whistleblowers are individuals who, in good faith, report crimes, significant breaches of international treaties, serious violations of laws and regulations, or substantial threats to public interests based on personal knowledge. Whistleblowers must first report to their direct or indirect supervisor or another employer-appointed authority. If no action is taken, reporting to relevant judicial or administrative authorities or authorized professional advisors is permitted. Only as a last resort may reports be made public through media or civil rights organizations.

Interfering with whistleblowing may result in one year of imprisonment and a fine of 15,000 euros for employers or judicial authorities. As of January 2018, companies with over 50 employees must implement whistleblower protection plans, while businesses with over 15 employees and annual revenue exceeding 100 million euros are required to establish internal reporting mechanisms for bribery and corruption. Additionally, financial service providers must adopt reporting systems for violations of European Union and French financial market regulations.

In the United States, specialized legal and advocacy firms support whistleblowers and operate using rewards received from whistleblowing cases. These firms provide legal services to whistleblowers. Interestingly, if a whistleblower is complicit in the crime or corruption, they may simultaneously face punishment and receive a reward for their disclosure.

Several whistleblowing-related laws exist in the U.S., but three are particularly notable:

- a. **False Claims Act (1863)**: This law was enacted during the economic crises caused by the Civil War to combat contractor fraud in federal procurement contracts. It offers financial rewards to whistleblowers, ranging from 15% to 30% of the recovered funds. It does not protect employees who knowingly make false claims during whistleblowing.
- b. **Whistleblower Protection Act (1989)**: This act established the Office of Special Counsel to evaluate whistleblower reports, investigate cases, and monitor whistleblower laws.
- c. **Sarbanes-Oxley Act (2002)**: This law protects corporate whistleblowers who report accounting fraud and financial misconduct to the Securities and Exchange Commission (SEC) against retaliatory employer actions. The **Whistleblower Protection Act (1989)** created a framework for fostering a whistleblowing culture by encouraging transparency and monitoring whistleblower laws. It highlights whistleblowers' role in combating corporate misconduct.

3.2. *Press Laws in Support of Media Whistleblowing*

The press, both globally and within individual countries, is considered one of the most important tools for whistleblowing. This is particularly evident in democratic nations with freedom of expression. Press-based whistleblowing is typically conducted on a large scale, offering broad coverage that engages public attention and provides clear insights into governmental crimes, particularly corruption within government institutions.

One of the primary obstacles to whistleblowing is the censorship mechanisms controlled by the government. These mechanisms act as significant barriers to whistleblowing efforts. Consequently, laws and policies must be sufficiently strategic to limit governmental censorship and provide greater operational freedom to the press.

The press possesses unique characteristics. It is inherently a public phenomenon and plays a fundamental role in shaping the public sphere of society. The press serves as a conduit for public opinion and as a representative of collective thoughts. It can influence national outcomes and shape public awareness. For this reason, the press is considered a public matter, transcending specific affiliations and enabling connections with diverse ethnicities and groups.

Through the reflection of social discourse and public opinion, the press can communicate the demands and will of the people to governmental officials. It can also serve as a counterforce to governmental authority. Governments, perceiving themselves as the supreme power in society, often exhibit resistance when confronted with a force greater than their own. This resistance is reflected in press laws, which are often designed to control the press.

It follows that press laws are derived from governmental will, aiming to regulate and control the press. "Laws generally consist of two types of propositions: (a) propositions that establish restrictions, obligations, and duties; and (b) propositions that define rights, powers, and freedoms" (Motamednejad, 2008).

"Although law represents the will of the state, it is not independent of the socio-political conditions of its time, as these conditions and the arrangement of social forces play a major role in its formation and ratification" (Sheikh Al-Islam, 2008). By examining press laws, which reflect social conditions to some extent, one can discern the priorities of higher-level officials.

Ultimately, current laws reflect the will of legislators and the political intentions of policymakers. In Iran, legislative authority lies exclusively with the parliament as the highest legislative body (the legislative branch). One reason the Press Law has not made significant progress in supporting whistleblowing and ensuring immunity for whistleblowers is the existence of multiple legislative authorities.

The presence of multiple legislative authorities can lead to a lack of coordination and coherence in enacted laws, preventing the realization of clear objectives regarding whistleblower support and immunity. Significant changes were made to the Press Law in 2000, but subsequent efforts to lift restrictions have been unsuccessful.

"The Islamic Consultative Assembly (parliament), the Supreme Council of the Cultural Revolution, the Expediency Discernment Council, and the Supreme Leader each engage in legislation systematically or on a case-by-case basis, either negatively or positively. This multiplicity of legislative authorities occasionally reveals political divergences. For example, statistics indicate that at least four different authorities have enacted laws concerning the press: the Revolutionary Council, the Islamic Consultative Assembly, the Supreme Leader, and

the Supreme Council of the Cultural Revolution. The distribution of legislative authority among multiple official bodies stems from Iran's social, religious, and cultural conditions. Each authority, due to its connection with spheres of power and legitimacy, has gained legislative power and reproduced its authority through higher-level documents, particularly the constitution" (Hozouri & Mohammadi, 2013).

3.3. . *Legal Prevention of Governmental Crimes through Whistleblowing*

The legislator is the primary entity responsible for structuring the prevention of governmental crimes, capable of reducing the deviations of public officials. While various laws exist to prevent crimes in general, specific provisions for governmental crimes have not been adequately established. Measures have been proposed for preventing economic crimes attributed to government officials, such as embezzlement, but the idea that economic crimes committed by officials should be treated as distinct within the category of governmental crimes remains a separate matter that will not be addressed here.

It seems necessary to evaluate effective laws in this area. Considering the significance of prevention and the legislator's apparent interest in this issue, a cursory review of the Fifth Development Plan reveals an increased focus on creating diverse economic and cultural mechanisms to steer society away from criminal behavior. Prevention, as we believe, encompasses various levels and types that should be implemented by public, private, and civic organizations. The effectiveness of different types of prevention is not uniform.

"With reference to the Fifth Development Plan, some forms of prevention eliminate the causes and conditions of crime, while others reduce or complicate its opportunities. Historically, criminal policymakers in our country have often focused more on addressing and treating crimes than on prevention. However, in the Fifth Development Plan, the legislator's perspective has shifted toward preventive actions" (Asghari & Sarmadi Vaaleh, 2012).

From our perspective, the most critical factor in preventing governmental crimes through whistleblowing is fostering social action that facilitates the circulation of information. Actions that promote the

circulation of information, especially that which exposes governmental crimes, are of particular importance.

In social prevention, as well as community-based policing and judicial systems, one of the critical requirements for judicial systems and police forces is delegating authority and involving the public, civil institutions, and professional organizations in crime prevention and awareness efforts. "This requirement stems from the social origins of crime; therefore, combating and reducing crime necessitates public and social participation" (Babaeian et al., 2012).

"For the judiciary and police to succeed in crime prevention, they must abandon traditional frameworks, adopt a fresh perspective toward internal and external environments, recognize crime-inducing conditions, and work collaboratively with the public and all systemic components of society to combat and reduce crime. The cornerstone of community-based policing is engaging the public and official and civil institutions while focusing on the social contexts of crime" (Gharani, 2011). Over the past two decades, structural and systemic challenges in Iran, such as the failure to institutionalize civil society, the lack of free circulation of information through media, and the dominance of extreme partisanship in information dissemination, have exacerbated economic, social, and ethical crimes, making them deeply rooted and structural crises. Consequently, new institutional efforts within the judicial system to prevent crimes in Iran have not been entirely successful (Sardarania & Shakouri, 2014).

Among the most important principles of human rights that the executive branch must uphold to prevent the violation of these principles is the principle of equality and non-discrimination. The principle of equality is a fundamental human right that must be observed within the executive branch and administrative and legal systems under its jurisdiction. It reflects the essential human rights and equal value of all individuals, as emphasized in Article 2 of the Universal Declaration of Human Rights and other international documents.

"Equality within administrative systems has various dimensions. On the one hand, individuals must be considered equal before the law, as stipulated in Article 7 of the Universal Declaration of Human Rights. On the other hand, individuals must also have equal access to public services, meaning any discrimination or preferential treatment in public employment is

prohibited" (Hadavand, 2010). Judicial decisions in many countries, including Decision No. 172 of the General Assembly of the Administrative Justice Court of Iran on June 10, 2010, emphasize this principle. "The executive branch must uphold equality among individuals in all its manifestations to prevent the violation of human rights and security due to unequal treatment" (Rahami, 2016). "Human rights protect individuals against the state, ensuring inviolable rights that preserve human existence and dignity in the face of government power. This balance exists because the power dynamics between individuals, society, and the state are inherently unequal, requiring inalienable rights to safeguard individuals against state authority" (Falx, 2002).

The most effective means of uncovering governmental crimes remains whistleblowing. It often happens that governments commit widespread economic crimes without public awareness. Whistleblowing brings such offenses to light, ensuring that society becomes informed, enabling the identification and prosecution of those responsible within government leadership or its administrative body.

When most people hear the word "crime," their thoughts immediately turn to criminal behavior by "citizens." Additionally, it is often said that the role of governments is to protect "good citizens" from "criminals." Governments claim the exclusive right to use legitimate force to guarantee the rights and freedoms of citizens. However, while governments are tasked with maintaining order and security, they may sometimes engage in criminal acts that result in disorder and insecurity.

Despite the efforts of the International Law Commission, criminal responsibility of governments is not yet recognized under either domestic or international law. As a result, governments tend to enjoy immunity rather than accountability. Governments may define crimes in ways that serve their interests, avoiding criminalizing many harmful behaviors. Even if one challenges the government's definition of crime, a standard is still required to distinguish "governmental crimes" from non-criminal governmental actions.

The capacity of government officials and agents to commit acts such as killing, assault, exploitation, repression, and widespread human suffering is unparalleled. The scope and nature of state violence have been thoroughly examined in studies of governmental

crime. Crimes committed by governments are far more significant than those committed by private individuals or non-governmental actors. Researchers in governmental crime have analyzed behaviors such as genocide, torture, corruption, excessive militarization, and environmental destruction orchestrated by governments. They have also expanded our understanding of how governmental crimes are managed at individual, social, institutional, and structural levels.

The study of governmental crime falls under critical criminology. Since it examines crimes related to governmental institutions and unjust or oppressive state behavior, it faces significant challenges, resulting in limited research within criminology and law. Criminological studies often focus on the causes of delinquency and its prevention. Criminal policymakers have historically prioritized crime prevention strategies to reduce criminal activity.

Nonetheless, engineering preventive measures, whether community-based or situational, has evolved in response to changing crime patterns. Governments define criminal behavior; thus, an act is only criminal if a government deems it so. Governments claim exclusive authority to define crime. The likelihood of governmental crimes increases in systems with stronger patron-client relationships, particularly in cases of corruption.

Patronage fosters a political culture where informal exchanges between governments and non-governmental actors thrive, and corruption often plays a role in other forms of governmental crime, including corporate-government crimes, transnational crimes, natural disaster-related crimes, and police misconduct. The relationship between patronage and violence is more ambiguous. Patronage networks can enable rulers to achieve a level of satisfaction among the governed, reducing the need for violence.

If crimes within the governmental system lead to national devastation and irreparable harm to citizens, the judiciary must adopt measures to uncover, expose, investigate, and address these crimes without fear of governmental influence. Strengthening the rule of law is essential in such cases.

Governmental crimes sometimes occur collectively within the government or its employees, constituting full governmental crimes. However, some government employees, aware of these crimes, may suppress their

disclosure, effectively concealing them. Today, whistleblowing and disclosing information about illegal, dangerous, or unethical activities by governments and private organizations have become effective tools for combating crime and corruption and reducing risk.

Thus, fostering a culture of whistleblowing, financial incentives, rapid reporting mechanisms, and criminal protections through specialized and comprehensive legislation are essential for establishing a culture of whistleblowing. Nonetheless, whistleblowers often face significant personal and professional costs, leading many to remain silent.

Despite the importance of whistleblowing in combating mismanagement, crime, and corruption, it must not come at the expense of individuals' or organizations' privacy. Whistleblowing should be conducted legally and within established frameworks. Clearly, whistleblowing is still in its early stages and has not yet overcome the legal and cultural barriers it faces.

In many countries, whistleblowing laws are limited, offering minimal protection to whistleblowers. On the international stage, there is significant pressure on countries to adopt standard whistleblowing laws and procedures. Success in this area requires building whistleblowing infrastructure, conducting further research on the effectiveness of existing laws and regulations, adopting innovative policies for voluntary reporting, and ensuring swift and accurate case processing.

Disclosing organized crimes, due to their structural nature, must occur within complex security layers to protect whistleblowers' identities. If disclosure leads to public awareness, appropriate security measures should protect whistleblowers.

A review of whistleblowing laws in France, the United States, and Iran reveals notable differences. In France, whistleblowers are not rewarded if they have personal interests in the crime or its disclosure. In contrast, U.S. laws allow whistleblowers to receive rewards even if they were complicit in the crime, while also subjecting them to penalties. Proposed legislation in Iran exempts whistleblowers who were accomplices from punishment.

This study, in addition to identifying barriers and challenges, examines the role of whistleblowing in Iran's legislative framework and compares whistleblower protection laws in France, the U.S., and Iran. It also

highlights the potential use of Islamic principles in preventing governmental crimes, which can be operationalized through legislative measures and public promotion. The Islamic concepts of *enjoining good and forbidding evil* offer valuable mechanisms for crime prevention and can support whistleblowing as a means of exposing governmental crimes.

Non-governmental organizations (NGOs) play a crucial role in preventing and exposing governmental crimes through media, social networks, and public statements. Internationally, NGOs with access to information can effectively expose governmental crimes, gaining domestic and international credibility. However, in Iran, civil society efforts in this area face legal challenges.

3.4. Recommendations

1. Establishing foundational legislation to encourage effective whistleblowing and creating structural reforms to harmonize the diverse legislative authorities can significantly support whistleblowing efforts, which are currently fragmented across laws.
2. Developing specialized laws for protecting whistleblowers against governmental and organized crimes, ensuring coherence and clarity, is essential. This can be guided by constitutional principles affirming the public's right to information about government actions through media and NGOs.
3. Reviewing protective measures, types of support, and compensation mechanisms for whistleblowers in regulations developed by the Ministry of Intelligence in collaboration with the Ministry of Justice and other relevant bodies is necessary.
4. Enacting laws in the Iranian Parliament to enhance governmental transparency, ensure free access to information, and lift press restrictions on reporting governmental actions under transparency principles.
5. Encouraging civil society participation in monitoring and exposing governmental actions, clarifying ambiguities in laws on *enjoining good and forbidding evil*, and involving NGOs in exposing governmental crimes, especially environmental crimes, through cultural

awareness initiatives and learning from international experiences.

4. Conclusion

An analysis of the three hermeneutic approaches—romantic, historical, and reader-centered—when applied to the necessity or permissibility of arbitration agreements, highlights their incompatibility with the text-focused interpretive approach of Islamic jurisprudence. Clause 2 of Article 481 of the Civil Procedure Code, when interpreted literally, clearly indicates that arbitration agreements are permissible. However, the results of the three hermeneutic interpretations prove otherwise.

From the findings of this research:

1. Interpretation beyond the apparent meaning applies even to procedural rules of the Civil Procedure Code, as interpretability is inherent to language, and legal texts, including procedural laws, are linguistic constructs.
2. Hermeneutic interpretations affirm the necessity of arbitration agreements. In addition to the legal text—specifically Article 481—three factors significantly influence the message conveyed by the text: (a) the legislator's intent and objectives, (b) historical considerations, and (c) the reader's expectations. Together, these factors lead to a novel interpretation that establishes the necessity of arbitration agreements.

It is recommended that researchers investigate other ambiguous and interpretable aspects of arbitration, as this study demonstrates the interpretability of Article 481 as a foundational step. Specifically, the timing and purpose of submitting an arbitral award to the court, an area marked by textual ambiguities, should be the focus of future hermeneutic analyses.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

The authors report no conflict of interest.

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