

An Analysis of Iran's Criminal Policy in Confronting the Misappropriation of Public Property by Government Employees

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Administrative and financial corruption—particularly the misappropriation of public property by government employees—is a complex phenomenon with destructive economic and social consequences that undermines public trust. This article aims to examine Iran's criminal policy regarding this criminal phenomenon by analyzing its legislative, judicial, executive, and participatory dimensions and developments. The research method is descriptive-analytical and based on legal documents and sources. The findings indicate that although Iran's criminal policy has evolved and developed over time, it has predominantly followed a punitive and criminal-justice-oriented approach. However, more recent legislation has increasingly incorporated preventive and non-penal strategies. While identifying the strengths and weaknesses of the current policy, the study offers recommendations such as drafting comprehensive legislation, strengthening internal oversight mechanisms (with an emphasis on the role of e-government), and enhancing the participation of civil society organizations and the media to improve the overall effectiveness of this policy.

Keywords: Criminal policy, Misappropriation by government employees, Public property, Administrative corruption, Criminology

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1. Introduction

Administrative and financial corruption—including the misappropriation of public property by government employees—is a complex and multifaceted phenomenon that not only results in severe economic consequences such as the dissipation of public funds and reduced governmental efficiency, but also leads to the erosion of social capital, the deterioration of public trust in state institutions, and the weakening of the rule of law (Haji-zadeh, 2019). Internationally, this phenomenon is recognized as a serious challenge, and global organizations have undertaken numerous efforts to counter it (Dida et al., 2022).

Therefore, examining Iran's criminal policy toward the misappropriation of public property represents a crucial necessity. Such an analysis can reveal the extent to which the legal and judicial systems have effectively addressed this criminal behavior. By exploring the legislative, judicial, and executive policies, this study seeks to identify strengths and weaknesses within existing laws and practices and to pave the way for necessary reforms. Through a comprehensive examination of the various dimensions of Iran's criminal policy, this research aims to present a holistic and critical understanding of the current situation (Sedigh Nejad et al., 2022).



The overall objective of this article is to analyze Iran's criminal policy toward the misappropriation of public property by government employees. Specific aims include elucidating the theoretical and legal foundations of criminalization, analyzing the historical evolution of Iran's legislative criminal policy, evaluating current laws and identifying existing challenges, and ultimately proposing practical measures to enhance judicial and executive policies for more effective prevention and enforcement ([Rahimi Nejad & Taghizadeh, 2019](#)).

2. Concepts and Theoretical Foundations

2.1. *Conceptualization of Misappropriation, Government Employees, and Public Property*

2.1.1. *The Concept of Misappropriation (Material and Moral)*

In legal and criminological literature, "misappropriation" refers to the transgression of boundaries and the infringement of others' rights ([Ardabili, 2019a](#)). In the context of financial crimes committed by public employees, misappropriation is categorized into "material" and "moral" types.

Material misappropriation encompasses tangible and physical acts that directly harm or seize public assets. Common examples include embezzlement, illegal possession, and unauthorized withdrawals from public accounts. Essentially, any criminal act leading to the loss or depreciation of public assets falls within this category. Moral misappropriation, however, has a more complex nature. It refers to behaviors that do not directly involve material interference with public property but indirectly damage public interests through the misuse of official positions or state resources. For instance, the unauthorized use of confidential administrative information for personal gain or the use of government vehicles for nonofficial purposes constitute clear examples of moral misappropriation ([Mir Mohammad Sadeghi, 2010](#)). Although this type of conduct may not immediately result in direct financial loss, in the long term it erodes public trust, undermines administrative integrity, and weakens public accountability. Therefore, criminal policy must address both forms of misappropriation and provide distinct mechanisms for their prevention and punishment ([Shambayati, 2018](#)).

2.1.2. *Legal Definition and Scope of Government Employees*

The concept of "government employees" in Iranian law is broad and not limited to official civil servants. According to Article 598 of the Islamic Penal Code, state employees and public agents are considered potential offenders in crimes against public property. This definition includes all individuals—formal or informal—who receive a salary or remuneration from the state and work within one of the three branches of government (executive, legislative, or judicial) ([Goldoozian, 2017](#)).

The wide scope of this definition aims to prevent the misuse of any administrative position. Consequently, the term "government employees" is not confined to those with permanent appointments. According to judicial practice and legal doctrine, contractual, part-time, service-based, or even temporary personnel working in public institutions are also covered under this term. This expansive approach enables the legislature to ensure that no individual escapes liability due to the nature of their employment status ([Shambayati, 2018](#)).

2.1.3. *Definition of Public Property and Its Distinction from Private Property*

"Public property" refers to movable and immovable assets owned by the government or public institutions that are designated for the benefit of the public or for providing public services. These assets are managed for the purpose of fulfilling social and economic needs, and thus, their legal protection is of paramount importance ([Najafi Abrandabadi, 2019](#)).

The distinction between "public" and "private" property is based on several criteria. First, ownership of public property belongs to the state or public entities rather than private individuals or corporations ([Mohaghegh Damad, 2007](#)). Second, the function of public property is to serve the common good, whereas private property primarily benefits individuals or businesses. Third, the rules governing the possession, sale, or transfer of public property are far more stringent, prohibiting private appropriation. This distinction, explicitly stated in the Islamic Penal Code and the Civil Code, forms the legal foundation for criminalizing misappropriation of public property ([Velidi, 2005](#)).

2.2. *Foundations of Criminalization of Misappropriation of Public Property*

2.2.1. *Jurisprudential and Legal Foundations of Criminalization*

The criminalization of the misappropriation of public property by state employees rests on strong jurisprudential and legal foundations. In Islamic jurisprudence, the concept of *Bayt al-Māl* (public treasury) holds a position of great importance. In Islamic law, *Bayt al-Māl*—which corresponds to public assets—is viewed as a trust entrusted to the ruler and public officials, who must manage it solely for collective welfare. Numerous Qur’anic verses and hadiths strictly prohibit unlawful appropriation of public property and condemn any betrayal of trust. Accordingly, when government officials commit such acts, they bear not only criminal but also severe moral and religious responsibility (Najafi Abrandabadi, 2019).

These jurisprudential principles provide the normative legitimacy for criminalization and the imposition of proportional punishment. Legally, the Constitution of the Islamic Republic of Iran serves as the main foundation for defining criminalization (Hashemi, 2019). Article 45 vests the state with control over public and natural resources to manage them in the public interest, while Article 49 mandates the restitution of illicit wealth to the public treasury. These constitutional principles are further implemented through ordinary legislation. For example, Article 598 of the Islamic Penal Code explicitly criminalizes any unlawful appropriation of government funds or property by state officials and prescribes corresponding penalties (Ardabili, 2019b).

2.2.2. *Criminological Foundations and Contributing Factors*

The misappropriation of public property by state employees also has significant criminological dimensions. It can be analyzed through various criminological theories, such as the “opportunity theory” and the “strain theory.” According to opportunity theory, when an individual occupies a position that grants access to public resources without sufficient oversight, the likelihood of committing a crime increases (Niazpour, 2019). Such opportunities are particularly prevalent in inefficient bureaucratic structures.

The contributing factors to this crime are diverse and complex (Ghasemi, 2010). Economic variables play a major role—low wages and financial hardship can increase motivation for offending. Organizational and managerial factors are also crucial; weak oversight systems, lack of transparency in administrative and financial processes, and absence of accountability mechanisms create fertile ground for corruption. Furthermore, cultural and social factors contribute as well—when administrative corruption loses its moral stigma and enforcement is lax, the likelihood of offending rises (Ardabili, 2019b).

Therefore, an effective criminal policy must adopt a multidimensional approach that not only focuses on punishment but also prioritizes prevention through institutional reform and public education (Sedigh Sarvestani, 2009).

3. *Evolution and Evaluation of Iran’s Legislative Criminal Policy*

3.1. *Historical Evolution of Criminal Policy*

3.1.1. *Legislative Approach before the Islamic Revolution*

Iran’s legislative approach toward the misappropriation of public property by government employees before the Islamic Revolution, despite its punitive focus, suffered from notable deficiencies. The laws of that era—particularly the Public Penal Code and various supplementary statutes—primarily emphasized criminal punishment while paying little attention to preventive measures (Shambayati, 2003).

These laws were often ambiguous, creating interpretative challenges in enforcement. For instance, precise legal definitions of “government employee” or “public property” were sometimes absent, allowing offenders to exploit such legal gaps to evade punishment (Shambayati, 2018). Additionally, the administrative and supervisory structure of the state during that period lacked sufficient strength. The absence of a comprehensive monitoring system for public servants and the lack of clear accountability mechanisms created an environment conducive to corruption and misappropriation. Nevertheless, these laws at least provided the basic legal framework for criminalizing such conduct, though their practical enforcement remained highly ineffective (Najafi Abrandabadi, 2004).

3.1.2. *Legislative Approach after the Islamic Revolution*

Following the victory of the Islamic Revolution, Iran's legislative policy toward the protection of public property underwent substantial transformation. Based on Islamic jurisprudence, which strongly emphasizes the preservation of *Bayt al-Māl* (the public treasury), the legislator adopted a stricter approach toward combating financial offenses committed by government officials. The Islamic Penal Code (Discretionary Punishments)—especially Article 598—explicitly criminalized unlawful appropriation of public property by state employees, prescribing severe penalties for offenders (Mir Mohammad Sadeghi, 2010).

However, this transformation was not limited to increased penalties. In recent years, preventive frameworks have emerged through laws such as the Law on Promoting Administrative Health and Combating Corruption (2011), which emphasizes transparency, oversight, and accountability (Niazpour, 2019). This law aims to eradicate structural corruption by reducing opportunities for misconduct and strengthening non-penal control mechanisms.

Such developments signify a shift in Iran's criminal policy—from a purely punitive model toward a more comprehensive framework that integrates preventive measures and managerial accountability. This transition marks a positive step toward strengthening the administrative system and enhancing the state's capacity to combat corruption effectively (Nourbaha, 2009).

3.2. *Analysis of Existing Legislation*

3.2.1. *Relevant Provisions of the Islamic Penal Code*

The Islamic Penal Code—as one of the principal sources of Iran's criminal law—contains multiple provisions addressing crimes against public property (Ardabili, 2019a). The most significant among them is Article 598 of Book Five (*Ta'zīrāt*), which criminalizes any unlawful use or appropriation of public funds, property, or securities by government employees.

The scope of this article is broad, encompassing any unauthorized personal use or dissipation of public property, even if not committed for personal profit. This demonstrates the legislature's deterrent intent regarding acts that directly impact *Bayt al-Māl* (Mir Mohammad Sadeghi, 2010). Moreover, other related

provisions—such as those defining embezzlement, bribery, and fraud in the *Law on the Intensification of Punishment for Perpetrators of Bribery, Embezzlement, and Fraud*—indirectly address similar misconduct by public employees.

Embezzlement, defined in Articles 5 and 6 of that law, represents one of the most severe forms of misappropriation of public property. These provisions explicitly target the abuse of official authority for the unlawful appropriation of state funds, prescribing strict penalties (Shambayati, 2018).

3.2.2. *Preventive Approach in the Law on Promoting Administrative Health*

Alongside criminal enforcement, Iran's legislative criminal policy has gradually incorporated preventive strategies. The Law on Promoting Administrative Health and Combating Corruption (2011) exemplifies this approach (Niazpour, 2019). Rather than focusing exclusively on punishment, this law emphasizes organizational and managerial prevention mechanisms to reduce opportunities for corruption (Najafi Abrandabadi, 2019).

Key preventive measures include enhancing administrative transparency, facilitating public access to information, and obligating governmental bodies to design comprehensive anti-corruption plans. The law also strengthens internal monitoring systems and encourages whistleblowing by establishing legal frameworks for reporting misconduct.

Through such measures, the law aims to increase the risk of detection, reduce incentives for wrongdoing, and create an environment in which the misappropriation of public assets becomes increasingly difficult (Mousavi, 2020). Notably, the integration of electronic systems and e-government platforms has proven particularly effective in advancing these objectives.

3.2.3. *The Role of Complementary Legislation such as the Court of Audit Law*

In addition to the Islamic Penal Code and preventive legislation, several complementary statutes play a crucial role in protecting public property. Among them, the Court of Audit Law (*Qānūn-e Dīvān-e Mohāsebāt-e Keshvar*) is of particular importance. As the supervisory arm of the Parliament, the Court of Audit is responsible for reviewing and overseeing all financial accounts of

ministries, governmental institutions, and state-owned enterprises.

Its primary mission is to ensure the legality, transparency, and integrity of public financial processes while preventing mismanagement or misuse of public funds (Goldoozian, 2017). By detecting irregular expenditures and financial misconduct, it can compel restitution and accountability through judicial referrals. Thus, the Court of Audit operates as a strong and independent oversight mechanism within Iran's non-penal criminal policy, serving as an essential deterrent against financial misconduct (Velidi, 2005).

3.3. Evaluation of Iran's Legislative Criminal Policy

3.3.1. Strengths and Weaknesses of Existing Laws (Inconsistencies and Ambiguities)

Iran's legislative framework for combating the misappropriation of public property exhibits both strengths and weaknesses (Rahimi Nejad & Taghizadeh, 2019). Among its strengths are the explicit criminalization of key offenses such as embezzlement and unlawful appropriation, as well as the introduction of transparency-based preventive measures through recent legislation.

However, its weaknesses are more substantial. The foremost issue is fragmentation and lack of coherence—the relevant provisions are dispersed across multiple laws, leading to interpretative inconsistencies and judicial confusion (Sedigh Nejad et al., 2022). Ambiguities in key concepts—such as the precise definitions of “public property” and “government employees”—further complicate enforcement and open the door to selective interpretation and misuse (Najafi Abrandabadi, 2004).

3.3.2. Recommendations for Legal Reform (Toward a Comprehensive Law)

To overcome these challenges, comprehensive legislative reform is essential. The foremost recommendation is the **drafting of a unified and coherent law** addressing crimes against public and state property. Such legislation should clearly define fundamental terms—“public property,” “government employees,” and “forms of misappropriation”—to eliminate ambiguity and facilitate consistent enforcement.

Furthermore, the new law should integrate **non-penal preventive mechanisms**, such as strengthening internal audits, employing digital governance tools, and enhancing institutional transparency. The ultimate goal of these reforms is to establish an efficient and comprehensive criminal policy capable of effectively preventing and combating the misappropriation of public property (Dida et al., 2022).

4. Strategies for Combating and Preventing Misappropriation

4.1. Judicial Criminal Policy

4.1.1. The Role of the Prosecutor's Office and Courts in Detection, Prosecution, and Adjudication

The prosecutor's office plays a pivotal role in detecting and conducting the preliminary investigation of crimes involving the misappropriation of public property. Upon receiving reports of misconduct or crime, the prosecutor initiates the investigation by issuing directives to judicial officers. This stage includes gathering evidence, interrogating suspects and witnesses, and examining financial and administrative records. The significance of the prosecutor's office lies in its capacity for prompt and precise investigation, which helps uncover the dimensions of the offense and prevents further dissipation of public funds. Thorough and evidence-based prosecutorial investigations establish a strong foundation for a legally sound indictment (Khaleghi, 2016).

After receiving the case, the courts are responsible for adjudicating and issuing the final judgment. During trial proceedings, the court examines the indictment, hears the parties' statements, and reviews the submitted evidence to render a ruling. Sanctions may include financial penalties (such as restitution and fines) and custodial sentences (such as imprisonment). The primary objective of the courts is to uphold justice and safeguard the *Bayt al-Māl* (public treasury). Judicial efficiency and decisiveness in handling such cases play a crucial role in ensuring deterrence and preventing recidivism among public employees (Ardabili, 2019b).

4.1.2. Judicial Practice and Existing Challenges

Iran's judicial practice regarding misappropriation of public property faces several structural challenges. One

of the most significant is the lack of consistency and coherence among judicial decisions. This inconsistency often stems from legal ambiguities or varying interpretations of laws by different judges (Khaleghi, 2016). Such discrepancies undermine predictability in judicial outcomes and erode public trust in the judicial system. To address this problem, efforts such as the issuance of *unifying precedents* (*āray-e vahdat-e raye*) by the Supreme Court have been undertaken, though further reform remains necessary.

Another serious challenge is judicial delay—lengthy proceedings resulting from the complexity of financial crimes, the large volume of cases, and the shortage of specialized judicial personnel. Prolonged litigation not only increases costs but also risks the loss of evidence and weakens the complainant's (the government's) position. Additionally, the lack of judges with expertise in financial and economic crimes can diminish the precision and quality of adjudication (Ardabili, 2019a). The optimal solution involves specialized judicial training and the establishment of dedicated courts for financial and administrative offenses (Dida et al., 2022).

4.2. Executive and Participatory Criminal Policy

4.2.1. Internal Preventive Measures and the Role of E-Government

Iran's executive criminal policy concerning misappropriation of public property by state employees largely emphasizes internal preventive mechanisms (Mousavi, 2020). These measures aim to minimize opportunities for crime and strengthen internal oversight within governmental institutions. Key initiatives include enhancing internal control systems, implementing transparency-oriented bylaws, and fostering a culture of accountability among employees. This approach focuses not solely on punishment but also on *risk management* and the creation of a corruption-resistant administrative environment.

E-government plays a vital role in this context. By digitizing administrative processes, enabling electronic documentation, and reducing direct human interactions—often a source of corruption—government agencies can achieve higher transparency and accountability (Niazpour, 2019). Smart monitoring systems further assist in identifying suspicious or anomalous patterns in financial transactions and

automatically report such irregularities to oversight authorities. Thus, digital transformation serves as a cornerstone of preventive governance, curbing opportunities for financial misconduct (Sedigh Nejad et al., 2022).

4.2.2. The Role of Non-Governmental Organizations (NGOs) and the Media

Participatory criminal policy underscores the active involvement of civil society in combating corruption. Non-governmental organizations (NGOs), as independent watchdogs, can monitor the performance of state institutions. By collecting data, conducting investigations, and publishing reports on corruption, these organizations contribute to transparency and public awareness. They also strengthen the anti-corruption culture by organizing awareness campaigns and providing legal education to citizens (Sedigh Sarvestani, 2009).

The media likewise serves as a powerful instrument for corruption prevention. Through investigative journalism and exposure of corrupt practices, the media helps deter similar misconduct and holds public officials accountable before public opinion. Moreover, by informing citizens about their rights and reporting mechanisms, the media encourages civic participation in anti-corruption efforts. Its influence on political and judicial decision-making has rendered it one of the essential pillars of participatory criminal policy (Najafi Abrandabadi, 2019).

5. Conclusion

Iran's criminal policy toward the misappropriation of public property by government employees represents a complex and evolving framework encompassing legislative, judicial, and executive dimensions. The findings of this study indicate that the dominant legislative approach has historically been punitive and sanction-oriented. However, newer laws such as the *Law on Promoting Administrative Health and Combating Corruption* reflect a growing shift toward preventive and non-penal measures. Despite these developments, significant challenges persist. The lack of coherence and coordination among various legal instruments, ambiguities in key definitions, and the inefficacy of certain penalties have reduced the overall effectiveness of this policy. On the judicial level, lengthy proceedings

and inconsistent jurisprudence have hindered effective enforcement. In the executive and participatory domains, insufficient utilization of e-government capacities and limited support for civil organizations and whistleblowers have restricted oversight and preventive potential. In sum, Iran's current criminal policy, while showing partial progress, requires comprehensive and structured reform—aimed at drafting an integrated law, strengthening preventive strategies, expediting judicial procedures, and empowering civil society—to achieve a more effective and sustainable fight against this form of corruption.

Recommendations

1. **Drafting a Comprehensive Law:** To eliminate ambiguities and inconsistencies, a unified and coherent law addressing crimes against public property should be enacted. This law must clearly define key terms such as *government employee* and *public property*, and align penalties with the severity of the offense and the offender's circumstances.
2. **Strengthening Preventive Approaches:** Internal preventive measures should be prioritized. These include improving internal oversight systems, fully implementing e-government and transparency platforms, and providing ethical training for public employees.
3. **Enhancing Judicial Criminal Policy:** To expedite judicial processes, specialized branches in prosecutor's offices and courts should be established to handle financial and administrative crimes. Additionally, standardized procedural guidelines should be developed to promote consistency in judicial rulings.
4. **Activating the Role of Civil Society:** The government should create legal and institutional frameworks to strengthen the role of NGOs and the media in combating corruption. Protecting whistleblowers and creating secure public reporting systems are key steps in this direction.
5. **Criminological Research:** To gain deeper insight into the causes of these crimes, extensive criminological studies should be conducted on the factors influencing public property

misappropriation, thereby enabling evidence-based policymaking and reform.

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

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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