

# Whistleblower Protections in the Age of National Security: A Legal Comparative Study

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This study aims to examine and compare the legal protections available to whistleblowers in national security contexts across diverse legal systems. Using a scientific narrative review design and a descriptive analysis method, this article explores whistleblower protection frameworks in selected common law and civil law jurisdictions. Legal sources including statutory provisions, case law, and policy documents published between 2018 and 2024 were analyzed to assess the scope, effectiveness, and limitations of existing legal protections. Countries were selected to represent a range of legal traditions and national security climates, including the United States, United Kingdom, Canada, Australia, Germany, France, and South Korea. The review also considered the role of civil society and media in supporting whistleblower disclosures. The comparative analysis reveals significant disparities in how national legal systems address whistleblower protections related to national security. Common challenges include broad national security exemptions, ambiguous legal language, limited enforcement mechanisms, and procedural complexity. Even in jurisdictions with formal protection regimes, individuals disclosing classified information often face criminal prosecution or institutional retaliation. While some countries have made progress in aligning their domestic laws with international standards, national security disclosures remain a legal grey area. The presence of independent oversight bodies and supportive civil society actors contributes to more robust whistleblower frameworks, but these mechanisms are not uniformly available or effective. There is a critical need to harmonize national whistleblower protection laws with international human rights standards, particularly in the domain of national security. Legal reforms must address gaps in immunity, clarify reporting procedures, and ensure independent institutional oversight. Strengthening protections for national security whistleblowers is essential to promoting transparency, preventing abuse of power, and reinforcing democratic accountability on a global scale.

**Keywords:** Whistleblower protection, national security, comparative law, legal safeguards, democratic accountability, public interest disclosures, civil society, rule of law.

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## 1. Introduction

In the age of heightened global security concerns, whistleblower activity has become one of the most contentious intersections between individual conscience

and state power. Whistleblowers who expose government wrongdoing, particularly in matters involving national security, often walk a fine line between being lauded as guardians of democracy and condemned as threats to public safety. These individuals,



motivated by a sense of public duty, frequently challenge institutional secrecy by disclosing information that would otherwise remain concealed behind legal and bureaucratic shields. Their actions bring to light unlawful surveillance, corruption in defense contracts, violations of human rights, and misuses of state authority—all within domains traditionally protected by national security frameworks. This act of disclosure is not merely administrative but often moral, undertaken at significant personal risk, including job loss, criminal prosecution, or social ostracism.

The tension between whistleblowers and the state is magnified when disclosures involve classified or sensitive information. On one hand, democratic societies champion transparency, accountability, and the right of the public to know about government misconduct. On the other, the state asserts its sovereign right to maintain confidentiality to protect national interests, preserve diplomatic relations, and ensure operational integrity in intelligence or defense operations. As Hariz has noted, this conflict becomes especially pronounced in jurisdictions where public service codes clash with the moral imperatives of civil servants, making legal protection mechanisms both necessary and deeply controversial (Hariz et al., 2024). Public interest disclosures in such contexts raise fundamental legal and ethical dilemmas: should revealing state wrongdoing justify breaching official secrecy laws, or must the protection of state secrets always prevail?

Historically, whistleblowing has played a pivotal role in safeguarding democratic institutions. From Daniel Ellsberg's release of the Pentagon Papers to more recent cases like Edward Snowden's revelations about global surveillance programs, such disclosures have shaped public discourse and influenced legislative reforms. According to Ananian-Welsh, the media's role in disseminating whistleblower disclosures has significantly influenced public understanding and legal outcomes, especially in liberal democracies (Ananian-Welsh et al., 2021). These acts of civil courage have prompted debates on the ethical obligations of government employees, the limits of lawful dissent, and the scope of constitutional protections for speech and expression. In authoritarian or transitional systems, whistleblowing has similarly exposed entrenched corruption and judicial misconduct, often at the cost of the whistleblower's safety and freedom. The evolution of

whistleblowing reflects a broader societal effort to institutionalize accountability, though the response from state authorities varies widely depending on the legal culture, political context, and strength of democratic norms.

Despite international momentum toward improving whistleblower protections, significant disparities persist across jurisdictions. As Wolf observes in his analysis of the insurance sector, the existence of legal frameworks alone does not guarantee effective protection or encourage disclosure (Wolf & Kosieradzka, 2024). In some countries, legal provisions are undermined by poor enforcement, lack of institutional independence, or an overarching culture of silence. In others, overly broad national security exemptions leave whistleblowers vulnerable to prosecution even when disclosures serve the public interest. This disparity underscores the need for comparative legal analysis, as it enables scholars and policymakers to identify best practices, gaps in implementation, and potential models for reform. Comparative studies also reveal how whistleblower protection is embedded within broader legal systems, including administrative law, criminal law, labor law, and constitutional protections.

The objective of this paper is to conduct a comparative legal review of whistleblower protections in the context of national security. It examines how selected jurisdictions balance state confidentiality with the public's right to know and evaluates the effectiveness of legal safeguards for whistleblowers who expose wrongdoing in sensitive government sectors. The analysis focuses on jurisdictions with varying legal traditions, including common law and civil law systems, and considers how national security laws intersect with broader legal doctrines on transparency and accountability. The central research questions guiding this inquiry are: How do different legal systems protect whistleblowers who reveal state misconduct under the pretext of national security? What legal doctrines or statutes support or limit such protections? And what lessons can be drawn from comparative analysis to improve national and international legal responses to whistleblower disclosures?

## 2. Methodology

This study adopts a scientific narrative review design, employing a descriptive analysis method to examine the

state of whistleblower protections in national security contexts across multiple jurisdictions. Narrative reviews are especially appropriate for synthesizing legal and policy-oriented literature where empirical quantification is limited and conceptual interpretation is necessary. The descriptive analysis approach allows for an in-depth exploration of legal texts, judicial interpretations, and comparative patterns without reducing complex normative frameworks to simplified metrics. This method supports the goal of identifying legal gaps, convergences, and emerging trends in how different legal systems treat whistleblowers who expose matters related to state secrecy or national security. By focusing on developments between 2018 and 2024, the review captures the most recent legal reforms, high-profile cases, and international debates that have shaped the evolution of protections in this sensitive area of law. Jurisdictions were selected based on their legal traditions, geopolitical relevance, and involvement in recent whistleblowing cases or reforms related to national security. These include countries from both common law (e.g., the United States, the United Kingdom, Canada, Australia) and civil law traditions (e.g., Germany, France, South Korea), enabling a comparative perspective on how legal cultures influence the scope and effectiveness of whistleblower protections. Primary legal materials reviewed include statutory texts, such as the U.S. Whistleblower Protection Enhancement Act, the UK Public Interest Disclosure Act, Germany's Hinweisgeberschutzgesetz (Whistleblower Protection Act), and relevant provisions in national security laws. Judicial decisions and administrative rulings that interpret or apply these laws in national security contexts were also considered to understand how protections are implemented in practice.

In addition to primary sources, this study draws extensively on secondary legal literature published in peer-reviewed law journals and policy reports from reputable organizations such as Transparency International, the Government Accountability Project, and the United Nations Office on Drugs and Crime. Scholarly articles published between 2018 and 2024 were prioritized to ensure the currency and relevance of the analysis. Key databases consulted include HeinOnline, Westlaw, LexisNexis, and Scopus, and only articles written in English were included to maintain consistency in interpretation. Reports and white papers

from NGOs and governmental watchdogs were reviewed to supplement academic findings with real-world data and expert opinions on the efficacy of whistleblower protection regimes.

The comparative legal analysis proceeded by organizing the selected jurisdictions into thematic categories based on legal system (common law vs. civil law) and regulatory approach (comprehensive protection laws vs. sector-specific protections). Within each jurisdiction, the analysis focused on identifying the substantive rights offered to whistleblowers, the procedural safeguards in place, and any specific exceptions or limitations imposed in the name of national security. Where applicable, the study considered how courts have balanced whistleblower protections against state interests in confidentiality, using landmark cases and legal commentaries to interpret evolving doctrines. Similarities and differences were then synthesized to identify broader legal patterns and to assess the extent to which national laws align with international norms, such as those articulated in the European Court of Human Rights jurisprudence or the UN Convention Against Corruption. This thematic synthesis provides a structured yet flexible approach to evaluating the adequacy of legal protections and the potential for cross-jurisdictional policy learning.

### 3. Conceptual and Legal Framework

The term “whistleblowing” refers to the act of exposing information about illegal, unethical, or harmful conduct within an organization, typically by an employee or insider, for the purpose of rectifying wrongdoing. In legal contexts, this definition encompasses disclosures made internally (within an organization), externally (to regulatory bodies or the media), or publicly. National security whistleblowing specifically involves the disclosure of information related to state defense, intelligence operations, or other matters classified under national secrecy laws. As Wahid points out, whistleblowing in such contexts is often treated differently due to the heightened sensitivity of the information and its perceived impact on state sovereignty and public order (Wahid, 2022).

Legal protection refers to statutory or constitutional mechanisms that shield whistleblowers from retaliation, prosecution, or other adverse consequences as a result of their disclosures. These protections may include

anonymity guarantees, access to safe reporting channels, protection from workplace reprisal, and in some cases, immunity from criminal liability. Retaliation encompasses a range of punitive actions, including dismissal, demotion, blacklisting, or legal action against the whistleblower. Immunity is a more robust form of protection whereby the law explicitly exempts the whistleblower from criminal liability for breaching confidentiality or national security provisions, provided the disclosure meets a public interest test. As Sulastris has argued, the absence of clear immunity clauses can have a chilling effect on potential whistleblowers, especially in corruption-related cases involving senior officials (Sulastris, 2023).

The theoretical foundation of this study draws from legal positivism and the principles of the rule of law. Legal positivism emphasizes that the validity of law stems from its sources rather than its moral content. However, in whistleblowing contexts, positivist doctrines often clash with ethical imperatives that motivate individuals to disclose unlawful or harmful conduct, even when such disclosures violate existing statutes. The rule of law, on the other hand, upholds the idea that all state actions must be governed by legal norms and be subject to scrutiny. Transparency is a core principle within democratic governance, yet it frequently collides with state secrecy in matters of national security. As Leclerc highlights, this tension reflects a legal paradox: while freedom of expression is protected, it can be overridden by national security concerns, particularly when whistleblowers are prosecuted under espionage or terrorism laws (Leclerc, 2023).

International legal instruments offer limited but growing guidance on whistleblower protections. The United Nations Convention Against Corruption (UNCAC) calls upon state parties to implement measures that protect whistleblowers in the public interest, though it stops short of providing enforceable obligations. The OECD Guidelines on Corporate Governance recommend the establishment of safe channels for reporting misconduct but do not impose mandatory legal standards. In contrast, European Court of Human Rights (ECtHR) jurisprudence has played a more assertive role in articulating standards for balancing whistleblower rights with national security. The case of *Guja v. Moldova* (2008) is frequently cited as a landmark ruling that recognized whistleblowing as a form of protected speech

under Article 10 of the European Convention on Human Rights. According to Morávek, the EU Whistleblower Protection Directive (2019/1937) has further strengthened this position by mandating that member states implement comprehensive legal frameworks to protect whistleblowers who report breaches of EU law (Morávek & Pichrt, 2021).

The descriptive and comparative analysis method used in this study allows for a nuanced examination of legal texts and case law across multiple jurisdictions. Rather than relying on quantitative metrics or survey data, the study interprets legal doctrines, statutory frameworks, and judicial decisions to understand how whistleblower protections are structured, applied, and contested. As Patria notes, legal analysis in this domain requires sensitivity to national contexts, including the political environment, institutional integrity, and historical experiences with secrecy and dissent (Patria, 2024). By comparing jurisdictions with varying levels of democratic maturity and legal development, the study identifies patterns, divergences, and emerging trends that inform the broader discourse on whistleblower rights in national security domains.

This conceptual and legal framework thus provides the foundation for analyzing the tensions, legal structures, and normative debates surrounding whistleblower protections. It situates the research within both domestic legal contexts and international standards, allowing for a comprehensive understanding of the complex interplay between individual conscience and state secrecy.

#### 4. Comparative Legal Analysis

The legal frameworks surrounding whistleblower protections in national security contexts vary significantly across jurisdictions, particularly between common law and civil law countries. Common law systems tend to evolve through case law and parliamentary statutes, while civil law jurisdictions often rely on codified legal structures. These structural differences shape not only the scope of whistleblower protections but also the interpretation of national security exemptions and the enforcement of legal remedies.

In the United States, whistleblower protection is fragmented across multiple laws, reflecting the federal structure and a sector-specific approach. The Whistleblower Protection Act (WPA) of 1989 and its

enhancement through the Whistleblower Protection Enhancement Act (WPEA) of 2012 form the core legal basis for protecting federal employees. However, national security whistleblowers—particularly those working in intelligence agencies—are largely excluded from these statutes. Instead, protections are offered under the Intelligence Community Whistleblower Protection Act (ICWPA) of 1998, which allows disclosures through internal channels but prohibits public disclosure. This limitation became critically visible in the case of Edward Snowden, who bypassed internal mechanisms due to lack of protection and instead revealed mass surveillance programs through international media. As Ananian-Welsh explains, Snowden's case underscores the risks faced by national security whistleblowers who are perceived as violating the Espionage Act, a law originally intended for foreign spies rather than conscientious insiders (Ananian-Welsh et al., 2021). Enforcement mechanisms in the U.S. are hampered by the lack of independent review avenues for intelligence-related disclosures, and retaliation remains common despite formal protections. While legislative reforms have expanded procedural safeguards, they remain inadequate for those disclosing national security misconduct publicly.

The United Kingdom presents a different model through the Public Interest Disclosure Act (PIDA) of 1998, which integrates whistleblower protection into employment law. PIDA offers protection from workplace retaliation for employees who disclose wrongdoing, including violations related to national security, provided the disclosure meets specific conditions. However, disclosures made to the media or public without exhausting internal or regulatory channels risk being deemed unlawful. The case of Katharine Gun, a GCHQ employee who leaked information about U.S. spying at the United Nations prior to the Iraq War, illustrates the ambiguous legal protection available for whistleblowers acting in the public interest. Although Gun was charged under the Official Secrets Act, the charges were later dropped, possibly to avoid scrutiny of government misconduct. The U.K.'s model is often cited as progressive in the labor context, yet, as Leclerc observes, it still fails to adequately protect those who bypass prescribed reporting channels, particularly in high-stakes national security contexts (Leclerc, 2023).

In Australia, the Public Interest Disclosure Act of 2013 provides a legal framework for whistleblower protection across federal public sector agencies. However, as Ananian-Welsh notes, its application is restricted by complex procedural requirements and limited scope for disclosures involving intelligence or defense matters (Ananian-Welsh et al., 2021). The recent prosecution of whistleblowers like Witness K and Bernard Collaery, who exposed Australia's spying on East Timor during trade negotiations, highlights the tension between national security and public interest. These cases have prompted criticism of the Australian government for undermining democratic accountability and suppressing information that is essential to informed public debate. The enforcement mechanisms rely heavily on internal review processes, with limited opportunities for judicial review or whistleblower anonymity in sensitive disclosures. The restrictive legal environment, especially under national security statutes, discourages potential whistleblowers and raises concerns about the rule of law in democratic governance.

Canada offers a more centralized protection regime under the Public Servants Disclosure Protection Act (PSDPA) of 2007. This law establishes the Office of the Public Sector Integrity Commissioner (PSIC) as an independent agency tasked with investigating disclosures and protecting whistleblowers from retaliation. However, the PSDPA has been widely criticized for its limited effectiveness and low success rate in upholding complaints. According to Wolf, Canada's system is procedurally sound but substantively weak, offering minimal support to whistleblowers in national security-related cases due to extensive secrecy provisions and narrow definitions of protected disclosures (Wolf & Kosieradzka, 2024). The lack of legal immunity for public disclosures and the constrained mandate of the PSIC significantly limit its impact. Moreover, the judiciary has shown reluctance to challenge executive authority in cases involving state security, further weakening the legal safety net.

Turning to civil law countries, Germany has recently made significant reforms through the Hinweisgeberschutzgesetz (Whistleblower Protection Act), which came into force in response to the EU Directive on whistleblower protection. As Eberhardt explains, the German model now mandates internal reporting mechanisms in companies and public



institutions and protects whistleblowers from retaliation if they follow designated procedures (Eberhardt, 2024). However, disclosures related to national security are excluded from protection under general whistleblower provisions and are subject to strict state secrecy laws. The German Federal Constitutional Court has historically upheld state interests in confidentiality, although it also acknowledges the importance of freedom of expression and the public's right to be informed in cases involving government abuse. The lack of a robust mechanism for independent review of national security disclosures remains a major gap in the German legal framework. France follows a civil law tradition with a centralized system of whistleblower protection codified under the Sapin II Law of 2016. The law defines whistleblowers broadly and outlines a three-tier reporting structure: internal, external regulatory bodies, and public disclosure as a last resort. According to Leclerc, while the framework offers formal protection, it does not adequately address cases involving national security, which are still governed by separate legal regimes with limited transparency (Leclerc, 2023). French courts have tended to interpret these provisions narrowly, often prioritizing state secrecy over individual rights. The absence of immunity for disclosures involving classified information discourages whistleblowing in defense or intelligence sectors. Moreover, whistleblowers must demonstrate good faith and the proportionality of their actions, criteria that are subject to judicial discretion and may undermine protection in politically sensitive cases. South Korea offers an example of a hybrid system combining elements of civil and common law. The Act on the Protection of Public Interest Whistleblowers, enacted in 2011 and updated in subsequent years, provides comprehensive protection for individuals who report corruption or illegal activities in the public interest. However, as Lee has observed, disclosures involving national security or military operations remain outside the scope of this law and are regulated by other statutes, including the National Security Act (Lee & Cho, 2022). The Korean model emphasizes institutional channels such as the Anti-Corruption and Civil Rights Commission (ACRC), which receives and investigates disclosures. Yet, enforcement is inconsistent, and the legal threshold for protection remains high. The role of the media in amplifying disclosures is recognized but not

formally protected, creating legal ambiguity for whistleblowers who turn to journalists or civil society organizations when internal remedies fail.

In contrast, authoritarian regimes or transitional democracies tend to use national security laws to suppress whistleblower activity under the pretext of preserving state stability. For example, in Jordan, whistleblower protection exists nominally but is heavily constrained by emergency laws and state security courts. Alshoubaki notes that legal reforms have been proposed to protect whistleblowers, but enforcement remains weak due to political interference and lack of judicial independence (Alshoubaki & Harris, 2022). Similarly, in Indonesia, where corruption remains a major issue, several laws provide limited protection for whistleblowers, including the Corruption Eradication Commission (KPK) Law. However, as Afrita argues, the absence of comprehensive national security safeguards exposes whistleblowers to retaliation from both state and non-state actors (Afrita, 2024). Legal ambiguity and inconsistent court rulings contribute to an atmosphere of fear and discourage disclosures that could enhance transparency in sensitive government operations.

Another comparative case is Slovakia, where whistleblower protection has evolved significantly in recent years through legislative reform. As Kšenzíghová points out, while general provisions exist to shield individuals from retaliation, national security disclosures remain politically sensitive and legally vulnerable due to undefined exemptions and a lack of independent oversight bodies (Kšenzíghová & Ušiaková, 2023). This situation mirrors similar challenges in other Eastern European countries, where whistleblower protection laws are influenced by EU directives but lack domestic political will for robust implementation. In these contexts, civil society plays a crucial role in supporting whistleblowers, but without formal legal backing, their efforts often fall short in the face of powerful state institutions.

Across all jurisdictions analyzed, the core challenges revolve around the narrow scope of protected disclosures, the criminalization of public interest leaks, and the lack of independent institutional mechanisms for adjudicating whistleblower complaints in national security contexts. Even in systems with advanced legal structures, such as Germany and the United Kingdom, whistleblowers who bypass internal reporting protocols

face prosecution under national security statutes, undermining the intended protective effect of whistleblower laws. In jurisdictions like Australia and the United States, legal complexity and statutory carve-outs for intelligence personnel create an uneven landscape in which legal protection depends more on the agency involved than on the substance of the disclosure.

## 5. Cross-Jurisdictional Findings and Patterns

A comparative analysis of whistleblower protections in national security contexts reveals several recurring patterns, legal tensions, and systemic challenges. One of the most prominent findings is the universal conflict between the public interest rationale for disclosure and the state's assertion of national security prerogatives. Legal systems, whether common law or civil law, consistently struggle to balance these competing imperatives. As Slamkov explains, even well-intentioned reforms can fall short when national security exceptions are drafted so broadly that they undermine the entire whistleblower protection framework (Slamkov et al., 2022). The result is a legal paradox in which whistleblowers may be protected in theory but prosecuted in practice.

Another common issue is the limited effectiveness of retaliation safeguards. In many jurisdictions, legal protections exist but are not adequately enforced, either due to institutional inertia or lack of political will. For example, in Canada and South Korea, agencies responsible for investigating whistleblower complaints often lack the authority or resources to intervene effectively. As Rahmat argues, without robust enforcement, legal protections become symbolic rather than substantive, offering little real security to individuals who risk their careers and freedom by coming forward (Rahmat et al., 2024). This challenge is exacerbated in authoritarian regimes where the judiciary is not independent and whistleblower retaliation may be state-sponsored.

Institutional independence remains a critical factor in determining the success of whistleblower protections. In jurisdictions with autonomous oversight bodies—such as the Office of the Public Sector Integrity Commissioner in Canada or the Anti-Corruption and Civil Rights Commission in South Korea—the potential for impartial investigation is greater, but still hindered by legal and procedural limitations. As Top notes, when oversight

institutions are embedded within the executive branch or lack statutory independence, they often function as extensions of political authority rather than as protectors of whistleblower rights (Top, 2023). The presence of independent review mechanisms, judicial remedies, and accessible appeals processes is therefore crucial to ensuring that whistleblower complaints are addressed fairly and transparently.

A final pattern observed across jurisdictions is the reliance on procedural formalism to limit whistleblower protection. Laws that require strict adherence to internal reporting hierarchies or limit disclosures to narrowly defined channels often disqualify whistleblowers who act in good faith but deviate from these processes. As Amin notes, this procedural rigidity can effectively criminalize the very acts of public interest disclosure that whistleblower laws are intended to protect (Amin & Wicaksana, 2022). Consequently, legal reform efforts must not only focus on expanding the scope of protected disclosures but also on ensuring flexibility and clarity in procedural requirements, especially for cases involving national security.

Taken together, these findings suggest that meaningful whistleblower protection in the national security domain requires more than statutory provisions. It demands a systemic commitment to transparency, institutional integrity, and respect for the rule of law. While progress has been made in aligning national frameworks with international standards, significant work remains to ensure that individuals who expose state misconduct are not silenced by the very systems they seek to hold accountable.

## 6. Challenges and Policy Implications

Across jurisdictions, several systemic challenges undermine the effectiveness of whistleblower protections in national security contexts. One of the most pervasive obstacles is legal ambiguity surrounding the scope of protected disclosures. In many countries, whistleblower laws are drafted with vague terminology, particularly regarding what constitutes a “public interest” disclosure and how national security exemptions are applied. As Baciú points out, this ambiguity often leaves whistleblowers vulnerable to subjective interpretations by courts or government agencies, especially when disclosures involve classified information or sensitive defense matters (Baciú, 2023).

Without clear statutory definitions, the legal threshold for protection becomes uncertain, discouraging potential whistleblowers from coming forward.

Political pressure further complicates the landscape. Whistleblower cases involving national security frequently attract intense scrutiny from state actors, and the political stakes often influence how laws are interpreted or enforced. In some instances, prosecutors may be directed to pursue charges under espionage or anti-terrorism laws, even when disclosures reveal wrongdoing. As Awaludin notes in the Indonesian context, whistleblowers exposing corruption within the military or intelligence sectors have faced criminal prosecution despite acting in the public interest (Awaludin, 2022). Such prosecutorial discretion, when exercised in politically charged environments, risks transforming legal protections into tools of suppression rather than accountability.

Another issue lies in the asymmetry of power between whistleblowers and state institutions. In many cases, whistleblowers lack access to legal representation, financial resources, or institutional support, while state entities have extensive legal and investigative capacity at their disposal. This imbalance is particularly stark in trials involving national security, where proceedings may be closed to the public, and evidentiary standards are relaxed in favor of state secrecy. According to Setiawan, even when laws formally prohibit retaliation, subtle forms of institutional reprisal—such as reassignment, demotion, or character attacks—remain common (Setiawan et al., 2021). Legal remedies are often inadequate, delayed, or dependent on administrative bodies that may lack independence or jurisdiction over national security matters.

To address these challenges, policymakers must pursue a harmonization of national whistleblower laws with international human rights standards. The European Union's Whistleblower Protection Directive (2019/1937) offers a useful starting point, as it requires member states to establish clear reporting procedures, protect whistleblower confidentiality, and prohibit retaliation. However, as Morávek observes, even EU member states often exempt national security from these protections, leaving a significant gap in legal coverage (Morávek & Pichrt, 2021). Closing this gap requires legal reform that explicitly includes national security whistleblowers under protection regimes,

subject to appropriate safeguards that balance legitimate confidentiality with the need for public oversight.

Civil society and the media play a critical role in supporting whistleblowers, especially when institutional protections are weak. Investigative journalism, legal aid organizations, and advocacy groups often provide the only lifeline for individuals exposing government misconduct. As Primasari notes, public trust in whistleblower protection increases when disclosures are accompanied by strong civil society support and responsible media coverage that frames the whistleblower as a defender of the public interest rather than a traitor (Primasari et al., 2022). However, media involvement also carries legal risks for both whistleblowers and journalists, particularly in jurisdictions where press freedom is limited or where journalists may be prosecuted for publishing classified information.

Policy solutions must therefore include legal provisions that protect journalists and civil society actors who facilitate whistleblower disclosures. As Leclerc emphasizes, a holistic approach to whistleblower protection must extend beyond the individual to include institutional actors who amplify and contextualize the disclosure (Leclerc, 2023). This includes shielding journalists from compelled testimony and limiting state surveillance of communication between whistleblowers and the media. Ultimately, fostering a culture of accountability in national security requires both legal and societal commitment to transparency, fairness, and the rule of law.

## 7. Conclusion

The protection of whistleblowers in national security contexts stands at the crossroads of state sovereignty and democratic accountability. In an era where government power often expands under the justification of national security, the act of disclosing wrongdoing becomes both a civic duty and a legal risk. This tension underscores the need for carefully calibrated legal frameworks that uphold public interest without undermining legitimate security concerns. Whistleblowers serve as crucial watchdogs, exposing corruption, abuse, and unlawful practices that would otherwise remain concealed. Their contributions are essential to sustaining the integrity of democratic



institutions and maintaining the public's trust in government operations.

The comparative analysis reveals that while many countries have adopted formal whistleblower protection laws, these frameworks frequently exclude or insufficiently cover disclosures involving national security. In common law systems like the United States and Australia, sector-specific legislation often creates loopholes that leave intelligence workers exposed. In civil law jurisdictions like Germany and France, national security disclosures are typically excluded from general protection laws, reinforcing a legal culture of secrecy. Even where independent oversight bodies exist, they are often constrained by procedural complexity, limited jurisdiction, or lack of enforcement power. These structural limitations collectively contribute to a chilling effect that deters whistleblowers and impedes democratic oversight of state power.

The findings highlight that procedural safeguards, judicial remedies, and clearly defined legal standards are essential but not sufficient. Protection regimes must be grounded in an understanding of the unique risks associated with national security disclosures. Legal ambiguity, political interference, and prosecutorial discretion must be addressed through comprehensive legislative reform and robust institutional safeguards. Moreover, the active involvement of civil society and the media remains indispensable in sustaining a culture of transparency and in holding governments accountable for violations of the public trust.

There is an urgent need for globally coherent, enforceable, and context-sensitive whistleblower frameworks that bridge the gap between secrecy and accountability. Such frameworks should not only protect individuals who speak out against injustice but also reinforce the legal and ethical foundations of democratic governance. The path forward requires a commitment to harmonizing domestic laws with international standards, empowering independent oversight bodies, and fostering societal norms that value integrity, courage, and public interest over silence and compliance.

### 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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