

# The Impact of Political Culture on the Efficiency of the Criminal Justice System

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Culture is a reflection of the temperament, behavior, cognition, and customs of the people within a given society. In the political dimension, culture—through its influence on the determination of the type of governing political structure—creates a variable context in the patterns of rulers' behavior, as well as in the levels of democracy and corruption across different countries. At the outset, the legislator in each jurisdiction, based on its fundamental principles within the framework of criminal policy, responds to behaviors that fall outside legal boundaries by prescribing punishments. The criminal justice system, as a component of the governing structure, operates in principle within this established framework, aiming to uphold legal norms and achieve desirable outcomes in the protection of societal values and individual rights. In practice, however, this condition may undergo transformation depending on the structure of power and the scope of authority granted to rulers, such that the outcome manifests in varying rates and statistics of corruption and rent-seeking across countries. This article examines the concept of political culture and its impact on the establishment of democracy and authoritarianism, which, in turn, influences the functioning of the criminal justice system and leads to either an increase or a decrease in corruption and rent-seeking.

**Keywords:** Culture, Political Culture, Power Structure, Criminal Justice System

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## 1. Introduction

Human beings, as the noblest of creatures, have been created from a common nature, and on this basis they have always sought to secure their interests through reason and rationality. The formation of society, in this regard, along with the establishment of equality and justice, has also been accepted by all on the basis of rational reflection. Nevertheless, this intellectual consensus has faced challenges in some parts of the world. The fact that human beings, despite having a common nature and a unified social purpose, encounter different governments is essentially rooted in their type of thinking and their understanding of government. The outcome of this difference in thought is the

establishment of different governments and administrative systems in securing public interests, public rights, and the functioning of distributive justice. In fact, governments act according to the feedback they receive from their people, and the type of attitude and expectations that people hold toward sovereignty shape their future condition. The criminal justice system in every country serves as the arm of sovereignty in protecting rights and securing the interests of the people. The feedback that sovereignty receives from the people's attitude toward it is evaluated differently in the way the criminal justice system is used. Accordingly, today, in different countries with different political structures, we witness differences in the efficiency and productivity of



this system. Nevertheless, international feedback has, in some cases, led to the formation of positive responses in favor of public interests.

In the occurrence of corruption and rent-seeking, as well as their quantity and quality in any country, the first issue that certainly comes to mind is their cause and rationale. The criminal justice system, as the first addressee in this inquiry, comes under scrutiny and must be accountable for the level of corruption and rent-seeking and for its own performance in this regard. This is not possible in all countries of the world. The second addressee of this inquiry and examination concerning the level of corruption and rent-seeking is undoubtedly sovereignty itself. Sovereignty must be accountable for why it has been unable to benefit from an efficient and powerful criminal justice system. Has it deliberately failed to strengthen that system and benefited from weakening it, or has it been at fault through negligence and omission in improving its efficiency?

Finally, the people must be addressed in this inquiry and must answer this question: Is it not true that you, as the true beneficiaries, and the rulers, as your servants and trustees, must govern in order to secure your interests? Why, then, have you chosen silence and indifference toward your deplorable condition, which results from the inefficiency of the criminal justice system and sovereignty, and why do you not seek a way out of this situation?

## 2. Research Literature

### 2.1. Political Culture

Before defining political culture, it is first necessary to define the term culture. In lexical usage, culture means science, knowledge, civility, understanding, education, and training. It has also been used to refer to the scientific and literary works of a people or nation. Culture also includes the set of knowledge, beliefs, arts, laws, social customs, and habits of individuals within a group or society. Sir Edward Burnett Tylor defined culture as a complex whole that includes knowledge, beliefs, arts, laws, morality, customs, and any other capacities and habits acquired by an individual as a member of society. The Persian dictionary definition also presents culture as a compound concept referring to civility, education, knowledge, science, understanding, and customs. Some sociologists and anthropologists

divide culture into material and non-material parts, with its material dimension referred to as civilization; nevertheless, these two categories cannot easily be separated from one another (Amid, 2010).

In the occurrence of rent-seeking and its quantity and quality, in addition to the perpetrator's background condition, several other important factors exist that may be regarded as principal causes. These include cultural, economic, social, and political roots, which lead to such consequences as impunity, the involvement of anti-corruption supervisory bodies themselves in rent-seeking and other forms of corruption, the existence of a positive function of rent-seeking for elites, the absence of continuous and systematic monitoring programs, the failure to eliminate factors contributing to rent-seeking, the lack of attention to its prevention, the powers held by public employees in granting privileges and accrediting institutions, goods, health and medical services, abuse of power, diversion in the use of resources, and ultimately the growth of rent-seeking and the failure of programs designed to confront and prevent corruption and rent-seeking (Fathi, 2018).

A large part of the above-mentioned cases is influenced by the political culture of the people. Political culture refers to the set of attitudes, beliefs, and feelings held by the majority of members of a society toward politics and government, and it includes the views of members of that society regarding the intellectual foundations and behavioral rules of a political system. The political culture of a society may include idealistic beliefs or pragmatic beliefs. A society's political culture arises from individuals' subjective understanding of the dimensions of politics and is influenced by the political and social history and experiences of that society (Sariolghalam, 2007).

Political culture, as a subset of the non-material part of culture, is located primarily in the latent dimension of political science and encompasses the unconscious part of the mind. This unconscious part of political culture is transmitted to the individual over many years, even from childhood, through the family, the educational system, public culture, and the nature of the political system in a complex manner, mainly through psychological instruments and with political consequences, thereby shaping the individual's action-reaction system toward political phenomena.

On this basis, some theorists attribute the level of corruption in countries to their long-standing historical and cultural traditions and believe that in such countries corruption has gradually become a persistent habit and a cultural characteristic, assuming a normative form. Almost all Asian countries have historically possessed a corruption-based tradition that has formed part of their political structure and has become institutionalized. In such countries, that is, in many Third World countries, corruption is no longer merely an administrative deficiency or a violation in decision-making; rather, it is a mode of governance in which rent-seeking, rent extraction, and other forms of corruption constitute defining features of performance (Rose-Ackerman, 2018).

## 2.2. Political Structure and Its Types:

The structure of power plays a decisive role in the level of corruption and the efficiency of the criminal justice system. In general, governmental systems may be divided into two main categories: democratic and non-democratic.

1. Democracy: direct democracy, representative democracy, republican government, parliamentary government.
2. Non-democratic systems: authoritarian government, a form of government in which political power is held by a self-appointed ruler.

Authoritarianism, totalitarianism, monarchy, oligarchy, technocracy, theocracy, dictatorship.

3. Other forms: communism, colonialism, aristocracy.

Nevertheless, according to Juan José Linz, professor at Yale University, there are today three main types of political systems: democracy, totalitarian regimes, and an intermediate form between the two, namely authoritarian or hybrid regimes (Linz, 2000). Researchers generally refer to dictatorship as a type of authoritarianism or totalitarianism (Sondrol, 2009; Todd & Waller, 2015).

In governments formed on the basis of democracy, no superiority is recognized for rulers over the people. On this basis, supervision and control over officials are institutionalized, and responsibility and accountability of officials are considered inseparable obligations of public service. In fact, democracy, as a method of

governance, reflects the people's perception of their superior position vis-à-vis sovereignty. The essence of the principles and foundations of democracy may be found in the primacy of human equality, the primacy of the individual, the primacy of law, the primacy of sovereignty, and emphasis on the natural, civil, and political rights of human beings (Hashemi, 2016). Belief in the necessity of forming democracy as a human right has been reflected in international human rights instruments, and today it is discussed in international law as a matter relevant to preventing corrupt practices such as rent-seeking. The prerequisite for establishing democracy in any society is economic liberalism. As a human experience, the evolutionary course of transformations has been such that as long as the middle class of society does not attain financial independence and sufficient wealth, and power remains absolutely in the hands of sovereignty while the state assumes responsibility for people's livelihood, institutions defending citizens' rights and society independently from government will not be formed, democracy will not be established, and rulers, due to lack of transparency, freedom of expression, and free access to information, will act without hesitation.

The type of governmental structure is the most important factor in determining the conduct of officeholders and state agents and the manner of dealing with them. Undoubtedly, emphasis on the proper performance of legal duties, uncompromising and non-lenient treatment of offenders and criminals, the manner of distributing opportunities, resources, and privileges, the division and exercise of political power, the degree of freedoms, political stability, and other such matters depend on the type of governing political structure. Accordingly, important issues such as political competition and conflict, political calm and stability in society, and, consequently, transparency of views and performance, executive, administrative, and political management of the country, appointments, parties and civil institutions, and the degree of state intervention are all influenced by the governing political structure; each of these issues alone may create the context for, or play a decisive role in, the emergence of different forms of corruption.

Some political systems provide a suitable context for rent-seeking and corruption. In traditional political systems, rather than social forces having opportunities

for political and economic competition, influential individuals obtain economic rents through political techniques. In such systems, authoritarian rulers, in order to stabilize their rule, are compelled to grant rents and privileges to influential persons so that the phenomenon of patronage may take shape. Analyses indicate that the political-institutional environment in which budgetary decisions and policies are made, as well as the processes through which these decisions and policies are implemented and executed, create the ground for the arbitrary and non-consensual transfer of public budgetary resources toward individuals and groups among budgetary agents and pressure groups (Rose-Ackerman, 2018).

A state-controlled economy is among the issues raised in connection with increasing corruption in any country. Nevertheless, in some countries, due to certain considerations, privatization is implemented in a fully targeted manner, through which opportunities for wealth creation are transferred to the supporters and elites of sovereignty, and the door to the plurality of power is closed; outwardly, it is announced that a step has been taken toward reducing corruption, whereas such privatization is filled with corruption and monopolism. Monopoly structures, whether public or private, increase the opportunity to abuse monopolistic positions for personal gain, namely corruption. Such implementation of privatization is frequently observed in kleptocratic governments. In most such cases, privatization is designed to involve the forced sale of state companies and institutions at low prices to the ruler and those surrounding him.

In kleptocratic states such as Zaire, Paraguay, and Haiti, projects that create greater opportunities for corruption are supported, even when the project lacks sufficient and appropriate justification (Rose-Ackerman, 2018). Among kleptocratic governments in which the public sector was exploited as the ruler's personal fiefdom, one may refer to the dictatorships of Alfredo Stroessner in Paraguay, Mobutu Sese Seko in Zaire, now the Congo, and François Duvalier and Jean-Claude Duvalier in Haiti, where the rulers seized control of sources of economic power and abused them as sources of personal profit. Ownership or control of productive economic resources constitutes a form of economic power, and the way it is exercised plays an important role in the economic life of the people. Monopoly systematically deprives others of

competition for access to valuable economic-social resources and opportunities for participation in sensitive economic decision-making. In such a situation, the reduction of opportunities for economic competition and participation decreases the possibility of comprehensive supervision over the exercise of such power and creates the ground for the emergence of all forms of corruption.

Another relevant and influential issue in the rate of corruption is the formation of rentier states, which arises from the lack of a sense of accountability among rulers toward the people. In this form of state, resources derived from national income are less frequently used for public interests and services. Most often, family, kinship, and political influence networks are activated, and certain influential individuals and groups are recruited through long-term, low-interest loans, contracts, and other rewards. In general, rentier states create a form of patronage in order to stabilize their rule, and by distributing rents among influential persons and specific groups, they impose a rentier mentality on the country (Fathi, 2018).

In general, the manner in which rulers and governmental institutions behave toward the people depends on their mode of belief. In principle, the ruling body must believe that its position and office are a trust placed in its hands and under its authority, and that such office creates no superiority for it. However, a belief contrary to this attitude is the source of many forms of corruption, especially rent-seeking. In fact, if the ruling body regards itself as superior and separate from the nation, and views the people not as rights-holders but as subjects, one cannot hope for the eradication of rent-seeking, particularly political rent-seeking, in the political arena. Unfortunately, the issue of rulers perceiving their tenure as time-bound in kleptocratic governments has attracted the attention of some of them; however, they regard that time not as an opportunity for service, but as an opportunity for plunder and abuse of position.

### 2.3. *The Criminal Justice System and Its Rationale:*

The criminal justice system is used as a powerful arm in the hands of the governmental structure to confront all forms of oppression, injustice, inequality, and corruption in order to secure the interests of the members of the nation. Sovereignty must dynamically strengthen and empower this arm. Undoubtedly, this matter is not

realized equally by different rulers and political structures.

The criminal justice system in every country seeks to expand and develop justice, ranging from familiarizing people with their rights to criminal defense services, including counseling, assistance, and defense in court. Protecting the values of a society is not the exclusive duty of the police, the judiciary, and their subordinate institutions; rather, each institution or organization that prepares and implements a plan or program in this field forms part of a system called the criminal justice system. In general, the criminal justice system refers to the set of agencies and institutions that operate at all non-penal and penal stages, including prevention and punishment, in order to protect specified values. These activities are sometimes carried out through legislation by the relevant institutions.

The Iranian criminal justice system, both in the legislative sphere and in police measures for combating corrupt actors and professional criminals, faces many difficulties in this struggle because of defects in the structure of the country's police and related laws, the lack of separation between judicial and administrative police, and, of course, the scientific, technical, and personal capacity of corrupt actors and professional criminals to commit crimes skillfully and professionally (Fathi, 2018). Nevertheless, relying on criminal policy, the Iranian criminal justice system seeks to apply an appropriate penal response by discovering and proving crime in a timely and optimal manner in order to achieve the goal of reducing the crime rate (Fathi, 2018).

In codified legal systems such as the criminal justice system of the Islamic Republic of Iran, the main source of criminal law and other branches of law consists of legislative enactments and other written and codified documents approved by competent authorities in the form of statutes, cabinet decrees, executive regulations, or unifying judicial precedents. However, in uncoded legal systems such as the criminal justice system of England, if prevailing custom among the people has been recognized through court judgments and a decision or ruling has been issued on that basis, it is considered among the sources of law (Validi, 2007).

In a rule-of-law-based sovereignty, criminal law is generally regarded as a guarantee and the strongest protective instrument for individuals' rights. Undoubtedly, the structure of the criminal justice system

is highly important as a determining factor in the fight against various crimes. However, other determining factors in the process of combating rent-seeking must not be ignored, for the secret of the success of some criminal justice systems in the fight against rent-seeking and other forms of corruption may lie in the more prominent role played by these factors. The criminal justice system in a country bears, on behalf of the legislature, the responsibility of responding to this demand in order to protect rights, public interests, and values approved by society. On the other hand, carrying out this duty requires the realization of numerous conditions, ranging from the enactment of laws to the will of sovereignty and the people, all of which may differ and vary from one country to another. The success and failure of criminal justice systems in combating rent-seeking and other forms of corruption undoubtedly depend on these conditions, and disregard for them leads to the diversion of public thought, the imposition of absolute responsibility on the criminal justice system, and its failure.

### 3. The Relationship of Culture and Political Structure with the Efficiency of the Criminal Justice System with Reference to the Report of Transparency International

The most important and principal factor affecting the formation of the current situation in any territory depends on the people of that territory. It is the people who direct sovereignty and its form and structure. Accordingly, the differences that we observe today in the arena of corruption and rent-seeking and in the levels of efficiency of criminal justice systems in different countries are, in the first instance, dependent on the people themselves and their political culture, and, in the second instance, assuming equal political culture, will be influenced by other variables.

According to Alexis de Tocqueville, the prerequisite for citizens' freedom is that they participate in public affairs through representatives, and because all individuals share in sovereignty, those who exercise power must in some manner be representatives elected by those who obey (Aron, 2002). He regards the plurality of parties as an indication of the organization of interests prepared for practical discussion of society's existing problems, and he refers to freedom of association and the practical use of this freedom, namely the plurality of voluntary

organizations that contribute to the protection of freedom (Abadi, 2016). The principles of good governance require political parties to be powerful and strong institutions, and the stronger and more coherent parties are, the more efficient the governments arising from them will be. On the other hand, parties, as supervisory mechanisms, can play an effective role in controlling rulers, because opponents can also acquire greater coherence within the framework of parties, supervise the ruling party through organization, and ensure the integrity of public administration (Ebadi Bashir, 2017). Parties enter electoral competition to acquire power in order to participate in the formulation and implementation of public policies, and if they do not succeed in gaining power, they can supervise the government as an opposition party, play the role of critic of the state, and contribute to securing the public interest and preventing violations of the rule of law. Parties are one of the ways through which different strata of society participate and are empowered to make better use of the principle of freedom of information and transparency. Empowering the people leads to greater responsibility and accountability among officials regarding their actions, measures, and adopted policies.

The mere existence of free media with adequate access to information is not a sufficient and complete instrument for controlling sovereignty, especially authoritarian systems. In fact, it is individuals and groups that generally insist on reforms and the creation of transformation. Scandals disclosed and publicized by the media merely produce public anger; it is associations, groups, and parties that direct this anger and dissatisfaction and bring about useful transformations and reforms. Alongside their communicative role between the people and the political system, parties, by enlightening public opinion, elevate political culture and social participation and organize the political system. Nevertheless, corruption within parties themselves must not be ignored. Party corruption can weaken public trust in the long run and threaten the life of democracy (Blechinger, 2002).

Some believe that economic liberalization is defined as one of the important and decisive factors for nations and political systems in rationalizing the political sphere and the political culture of countries. Depending on the manner in which government is formed in a society and the prevailing and accepted beliefs between society and

government, economic liberalization or its absence occurs. This variable operates as an accelerator of the internal tendencies and political culture of a society, and although demonstrations, sit-ins, marches, media work, educational transformation, and party organizations are generally useful, the weight of all of them in creating political change is below twenty percent. In fact, the determining factor in forming or manifesting rational political culture is the separation of the sphere of state power from the sphere of economy and wealth acquisition. The production of wealth outside the orbit of the state brings freedom of thought, political organization, creativity, and stability (Sariolghalam, 2007). Nevertheless, it must be acknowledged that preparing the ground for “separating the sphere of state power from the sphere of economy and wealth acquisition” itself requires the existence of culture and belief in that matter within society, because in many Third World and developing countries, owners of resources and mines under rentier governments, such as most oil-producing and oil-exporting countries, due to their connection to vast and easily accessible rentier resources and owing to the prevailing historical political culture of those societies, consider sovereignty the exclusive owner of those resources, and the wealth derived from these resources grants them unmatched power for unilateral dominance (Rose-Ackerman, 2018). As a result, no non-state power can stand against them. In fact, it must be said that in these countries, as long as these resources and wealth remain monopolized and controlled by states, a balance of power will not emerge in society.

On this basis, a brief comparison of this matter in Third World and industrial countries confirms the point. For example, in England, economic freedom in previous centuries created the ground for increasing public power and democracy and, correspondingly, for eliminating or reducing authoritarianism in governance.

### *3.1. The Performance of the Criminal Justice System in Totalitarian Governments*

Most regimes existing in underdeveloped and Third World countries are authoritarian and dictatorial regimes. In these countries, power and wealth are held by a small number of individuals, and no supervision by society over them is possible (Rose-Ackerman, 2018). In authoritarian political systems, in order to secure and

preserve power that opens the way to countless privileges, no rival is allowed to appear, and the ruler does not consider himself obliged to be accountable to the people in any matter. As long as an authoritarian ruler holds power, he gives no one the opportunity to claim his privileges. Likewise, in a rent-seeking system, which is in fact the economic face of political authoritarianism, the privileges of the rent-seeker are threatened neither by competitors nor by customers in the market. In this system, a special minority benefits from the country's economic resources far more than the majority of the people. The ruling political power guards such conditions, from which it itself benefits greatly.

The political culture of society plays a key role in determining the fate of the people, such that the mere existence of free media with adequate access to information is not sufficient or complete. In reality, such media are not sufficient instruments of control, especially in authoritarian systems. Such media may focus their attention on sensational scandals and have no interest in creating or forming reformist currents. In fact, it is individuals and groups that must insist on reforms and the creation of transformations. The scandals disclosed by journalists merely generate public anger, but if associations, groups, and parties direct this anger and dissatisfaction, useful reforms may be observed.

In democracies, administrative corruption scandals are often linked to the financing of political campaigns. Money cannot be completely separated from the sphere of politics. Expenditures and financing are concerns necessary for success. Accordingly, wealthy interest groups that are interested in governmental legislation and policymaking may be inclined to finance election expenses. Financial pressures persuade politicians to accept bribes, and this means movement toward the realization of rent-seeking by wealthy groups, the emergence of corruption, and the elimination of healthy competitive elections.

The better the foundations of democracy, such as independent media, civil society organizations, independent political parties, and independent supervisory bodies, emerge in a society, the more corruption will decline. This matter has been addressed in the reports of Transparency International and is among the objectives of Chapter Two of the 2003 United Nations Convention against Corruption (Hashemi, 2016).

## Section Two – The Performance of the Criminal Justice System in Democratic Governments

Corruption has a political nature, and its support lies in political power, which provides the grounds for using various rents to gain access to economic opportunities and resources and makes possible the creation and expansion of different forms of corruption. For example, in Turkey, following the deepening of the democratization process, corruption also decreased (Chalabi, 2017).

In democratic systems, the public freedoms of the people are guaranteed. Freedoms such as freedom of expression and the press, freedom of assembly, the activity of political parties and groups, freedom of information, and similar rights are the minimum requirements that must be observed in a democracy-based system.

In democratic systems, principles such as equality, rationality, and freedom are emphasized, and efforts are made to ensure that racial, gender, or ethnic inequalities do not create grounds for discriminatory governmental behavior (Hashemi, 2016).

Countries claiming democracy must implement its principles and foundations precisely; otherwise, such societies merely practice the shell of democracy and will not attain democratic outcomes. A society that confines itself only to elections merely wears a quasi-democratic garment in order to pursue its instrumental use of democracy. Such societies, due to functional defects and selective use of democracy, will face many deficiencies and the expansion of corruption in political pillars (Rose-Ackerman, 2018).

Wherever power and wealth are concentrated and the possibility of supervision and limitation does not exist, corruption emerges. Corruption has been observed throughout human history in all models of governance and is linked to two factors: power and wealth. The idea of separation of powers and the limitation of power was formed based on the motivation to combat corruption and constitutes the foundation of democratic systems (Rose-Ackerman, 2018).

Parties themselves, by possessing their own publications and websites, disseminate their thoughts, views, and policies among the general public. The manner of thinking and conduct of political parties in confronting various forms of corruption, especially rent-seeking, is not uniform. The media also act as an instrument for increasing or decreasing the popularity of parties, and

ultimately the extent of confrontation is indirectly subject to change.

Opposition parties play a supervisory role and threaten to turn corruption and rent-seeking into an issue in electoral campaigns. Scandals can generate public support for costly changes in governmental operations. Reformers should not respond to scandals only by punishing the guilty. The main issue is reducing the real incentives for corruption; otherwise, anti-corruption programs become instruments of prosecution and harassment, aimed largely at searching for and pursuing the regime's political opponents (Rose-Ackerman, 2018).

### *3.2. The Impact of Political Structure on the Level of Corruption Based on the CPI*

As previously noted, political structure is influenced by political culture. Therefore, in this section, in order to conduct a documented assessment of the impact of the people's political culture on the efficiency of the criminal justice system, reference will be made to the Corruption Perceptions Index, abbreviated as CPI, as the most important and prominent international index in the field of corruption. This index has been prepared annually since 1995 by the most important and largest international non-governmental organization in the field of anti-corruption, namely Transparency International, and continues to be published. In the latest version of this index in 2020, its country coverage reached 180 countries, and it measures only public perception of corruption, not corruption itself (Rose-Ackerman, 2018). Nevertheless, the position of countries in this report, as the only credible written document in this field, is not irrelevant, because the impact of corruption in countries is tangible and perceptible. A review of the 2024 Corruption Perceptions Index published by Transparency International highlights the persistent challenges of corruption across the world. The global average score remains 43, and more than two-thirds of countries have a score below 50, indicating significant corruption problems.

The Corruption Perceptions Index for 180 countries and territories in 2024 depicts matters related to various forms of corruption, such as bribery, diversion of public resources, officials using public office for personal gain without facing consequences, patronage-based

appointments in public services, and legal protection for individuals who report bribery and corruption.

In general, based on high levels of democracy, the Nordic countries lead in performance transparency, such that Denmark obtained first place in the 2024 Corruption Perceptions Index for the seventh consecutive year, followed by Finland. Nordic countries usually record lower perceived corruption because of strong institutions that promote transparency and accountability, broad welfare benefits, and efficient democracies. These countries also consistently rank among the happiest countries in the world and enjoy a high quality of life (Rose-Ackerman, 2018). In this report, Denmark, Finland, Singapore, New Zealand, Luxembourg, Norway, and Switzerland are identified, respectively, as the cleanest countries, while countries such as South Sudan, Somalia, Venezuela, Syria, Yemen, Libya, Eritrea, and Equatorial Guinea, which generally have republican forms of government, are placed at the bottom of the ranking as the most corrupt countries. On this basis, there is an inverse correlation between corruption and the level of development of each country. According to the foregoing discussion, the type of governing political structure has a direct impact on the level of development and the rate of corruption in its territory. Among the countries mentioned, the system of constitutional monarchy alongside parliamentary democracy has shown the best performance in producing the highest level of development and the lowest rate of corruption.

## **4. The Political Structure and Political Culture of Iran and Their Impact on the Efficiency of the Criminal Justice System**

### *4.1. The Political Culture of the Iranian People*

The history of every country reveals the culture governing that territory. Although several thousand years have passed since the formation of the first government in ancient Iran, the relationships between the people and rulers have not changed substantially since that time, and the foundations of that mode of thought and framework have still been inherited by new generations in an almost intact form.

Divine glory was a term that, before Islam, legitimized the autocratic power of the ruler. The king in post-Islamic Iran also derived his legitimacy from divine

glory, in such a way that the king was known as God's chosen one (Katouzian, 2019). Control over the life, property, honor, and freedom of the people has long been in the hands of rulers in Iran, and this tradition continues in Iran in another form. From the past to the present, the middle class in Iran has been unable to acquire the necessary power vis-à-vis the ruling class, and rulers have always dominated the people. The reason may be described as the lack of attention to economic liberalization, the increasing dependence of the people on government, poverty, and inequality. In fact, the inequality of power between the people and sovereignty has provided the ground for the abuse of natural resources and opportunities in the country and for the formation of rentier states in contemporary Iran. In the twentieth century, despite the occurrence of social transformation in Iran and the 1979 Revolution, unlike the English constitutional revolution in the late seventeenth century, no real development occurred in the division and separation of power in the country. A careful examination of the Iranian Constitution easily reveals the survival of absolute power in a new garment. Following the English constitutional revolution, power in the royal seat was severely controlled, and today only a symbolic aspect of it remains; at present, power in England is held by the prime minister and parliament (Schultz, 2015).

Unfortunately, our present society has become affected by authoritarianism, and to move beyond it, the culture of criticism in society and the responsibility and accountability of statesmen and rulers must first be strengthened. This requires a fundamental transformation in the beliefs and culture of the people (Sariolghalam, 2007).

Rent-seeking, favoritism, nepotism, and cooperative networks are old phenomena rooted in our culture. The ancient traditional culture in Iran was a landlord-peasant culture, and today it has acquired another exploitative form. This culture currently governs Iranian society in another form. In Iran and many Third World and developing countries, due to cultural roots, rentier states have taken control of government and regard the manner and method of distributing privileges and opportunities as their unquestionable right, without considering the people to have any voice in this regard. In contemporary Iranian society, some values among the people have changed. For example, rent-seeking and

acquiring privileges outside the ordinary process are, in the minds of some people in Iran, regarded as signs of cleverness and shrewdness and are sometimes treated as values. On the other hand, wealth has become a cultural value in our present society, an important and desirable matter, while the methods and instruments for attaining it are not the same for different individuals. This perception and the institutionalization of certain matters as values are not defensible today and must be confronted. Before confronting them through legislation, reforms must first be undertaken from a social perspective by elevating the true values of society and establishing norms that emotionally accompany and bind society to the belief that such conduct is repugnant, so that after legislation, the necessary acceptability may be obtained and the ground for public participation may be provided.

Undoubtedly, we cannot claim that the communities existing within the territory of the Islamic Republic of Iran possess unified interests and values; therefore, the existing conflict of interests is also a challenging matter. Members of communities can more easily achieve their interests by gathering together and forming parties in order to secure and protect those interests. Through their activities, parties can send their representatives into the governing body in the legislative and executive branches and pursue their demands properly (Ebadi Bashir, 2017; Teyrani, 2017). The existence of powerful parties with defined demands and policies in society causes transformation and dynamism in the governmental system.

#### 4.2. *The Iranian Criminal Justice System:*

In principle, the criminal justice system consists of all governmental agencies and authorities that, with the aim of protecting legal values and norms within a prescribed framework, identify, prosecute, and arrest persons violating the law, issue judgments, and enforce punishments. Organizations and persons such as the police, prosecutor, defense attorney, court, and finally prison operate within this system. In some countries, based on their criminal policy, assistance is also sought from the private sector in order to achieve the objectives of the criminal justice system. Accordingly, it must be said that all agencies, whether governmental or non-governmental, that operate in the process of developing and establishing criminal justice are part of the criminal

justice system. According to the Constitution, all laws and regulations must be based on Islamic standards. Therefore, the Iranian criminal justice system and its different components must act on the basis of Islamic rules. The judicial system, as the key part of the criminal justice system, has also been designed on the basis of Islamic justice and composed of just judges familiar with precise religious rules.

The Iranian criminal justice system, both in the legislative sphere and in police measures for combating professional criminals, faces many problems in this struggle because of defects in the structure of the country's police and related laws, the lack of separation between judicial and administrative police, and, of course, the scientific, technical, and personal ability of professional criminals to commit crimes skillfully (Fathi, 2018). Nevertheless, in addition to the need to eliminate the mentioned problems in the path of combating corruption and rent-seeking, observing certain self-evident principles, such as decisiveness in confrontation, equality of all persons before the law, and the trustworthiness and freedom from corruption of those responsible for combating corruption, has always been unavoidable in achieving positive results (Gholipour, 2016).

One of the existing problems in some criminal justice systems is populist deception. Among the manifestations of populism is the fight against economic crimes in criminal policy. Unfortunately, the Iranian criminal justice system is well acquainted and intertwined with populism or demagoguery. In the discussion of populism, the enactment of many laws has merely a symbolic aspect, or, from the viewpoint of those who adopt them, their enforcement is considered expedient only against ordinary people.

Unfortunately, due to the absence or weakness of political culture in Iranian society, the criminal justice system does not in practice possess desirable efficiency, and Iran's rank in the classification of corruption levels among countries according to the report of Transparency International confirms this matter. In general, given the type of political structure governing Iran from the past to the present, the criminal justice system, instead of operating in the public interest, has acted as an instrument for securing the interests of sovereignty. Nevertheless, some believe that the most important reason for the failure of the Iranian criminal

justice system is the absence of economic liberalism. According to the report of the Statistical Center, the share of growth in final government consumption expenditure in total economic growth in the summer of 2023 was 3.4 percent. This means that 48 percent of total growth resulted from the growth of government spending. The sixteen-year trend of this share shows that the share of government expenditure in total economic growth reached its highest level since 2005 (Sariolghalam, 2007). The absence of economic liberalism has weakened the power of the middle class in society and consequently led to the concentration of power in sovereignty. This matter leads to abuse in the form of discretionary treatment of corrupt actors and deviation from the proper path of the criminal justice system's activity. Nevertheless, if genuine democracy is established, in order to combat crime and corruption properly, it is necessary to study comparatively the political and social environment and the contexts in which that criminal justice system has developed and expanded, and one should not limit oneself to norms or judicial systems. Research must proceed on the basis of the conditions under which norms are shaped by historical-social realities and through the use of the perspectives and methods of sociology of law (Chalabi, 2017).

#### 4.3. *The Governing Political Structure in Iran*

The best way to examine Iran's political structure is to refer to the Constitution. According to this law, the type of government in Iran is an Islamic Republic, and its laws must conform to Islamic law and the Quran. The helm of government is in the hands of the Leader under the banner of absolute guardianship, and he has calculated control over all affairs and may exercise power. The three branches of the legislature, the executive, and the judiciary are considered its arms.

Elections in Iran, as well as powers concerning dismissal and appointment and the issuance of various orders and recommendations, are mentioned in the Constitution. Unfortunately, in Iran's political structure, genuinely independent popular parties and political currents do not possess the necessary position. From the middle of the Qajar period, and parallel to Iranians' increasing familiarity with European civilization, a tendency toward political activities in the modern manner gradually emerged among the elites of society (Teyrani, 2017).

Under the Constitution of Iran, the only party is the Party of God. The drawn framework has caused no party to possess its characteristics and, in practice, no such party to be formed. In fact, free and independent parties do not operate in Iran, and the limited number of active parties are affiliated with the system, while the people play no role in their activity. This is while free, active, and independent parties, alongside other principles of democracy, are an efficient instrument for controlling the bases of wealth and power.

The highest political authority in Iran, namely the Leader, is the highest lawmaking figure. By determining the framework, general policies, and strategic direction of the system, the Leader easily interferes in legislation. In some cases, based on his own judgment, he may also issue governmental decrees. The eight-article decree in the field of corruption and economic crimes is of this kind, the results of which include accession to the 2003 United Nations Convention against Corruption and the adoption of the Law on Promoting Administrative Integrity and Combating Corruption. The Leader in Iran exercises real control over the country through the Guardian Council. According to Article 91, in order to safeguard Islamic rules and the Constitution in terms of ensuring that the enactments of the Islamic Consultative Assembly are not inconsistent with them, a council called the Guardian Council has been established. This council has 12 members. Six jurists and six legal experts are members of it. According to Article 91, the six jurists of the Guardian Council are selected by the Leader, and the six legal experts, who are elected by the Assembly, are in principle introduced to the Islamic Consultative Assembly by the Head of the Judiciary, who is himself selected by the Leader, and are therefore not independent.

According to Article 99, the Guardian Council is responsible for supervising elections for the Assembly of Experts, the presidency, the Islamic Consultative Assembly, and referendums and public votes. With these descriptions, all elections in the country are under the control of the Leader, because all executive stages of the country's important elections, including the approval and rejection of candidates' qualifications, are entrusted to a council whose members are selected by the Leader. It can be said with confidence that the legislative and judicial branches, alongside their essential duties, are regarded as the institutions responsible for control and

supervision in the country. Parliament in every country is generally regarded as the highest authority and legislative institution. In Iran, the Islamic Consultative Assembly is considered the principal legislative institution, and its enactments must be approved by the Guardian Council; accordingly, it lacks sufficient independence in enacting laws. Although according to Article 76, the Islamic Consultative Assembly has the right to investigate and examine all affairs of the country, this does not include matters such as the Supreme Leader, the Assembly of Experts, and the Guardian Council, which stand above the Islamic Consultative Assembly.

According to Article 156 of the Constitution, the Judiciary is an independent branch, the protector of individual and social rights, and responsible for realizing justice. Nevertheless, its essential performance is also influenced by the Leader's commands and policies, and in some cases it carries out its duties concerning the prosecution and punishment of criminals on the basis of the Leader's orders. The lack of independence of these two branches has caused that, in cases where officials and authorities of the executive branch slip or commit a crime, the legislative and judicial branches cannot, because of the Leader's orders and commands, properly and justly perform their legal duty. This creates the ground for subsequent problems in the process of enforcing the law and the proper performance of the criminal justice system. Undoubtedly, inequality in the administration of justice is itself the very essence of corruption and leads to the inefficiency of the criminal justice system. Injustice and inequality in the distribution of power, contrary to meritocracy, and the relational selection of aligned and acceptable members by holders of power, without regard to the interest of the nation and the collective good, are among the important cases through which the political system becomes immersed in corruption and unable to escape it. This matter, due to the existence of term limits, meaning the suggestion that a politician will not regain his office, creates incentives for corruption (Rose-Ackerman, 2018), because no coalition imagines that it will retain power for a long period; therefore, instead of policymaking, it uses the time during which it is in power to collect personal income (Rose-Ackerman, 2018).

## 5. Conclusion

There is a deep relationship between a society's political culture and the level of governmental corruption. If the people are the principal actors in determining their own destiny and this matter is not dependent on any power, one can undoubtedly expect the establishment of democracy in a country. The existence of a culture of flattery and sycophancy, and the conception of divine glory or absolute guardianship with respect to rulers, leads to the formation of unlimited powers, corruption, and rent-seeking. The absence of belief in, and the existence of distrust toward, independent activity and public participation in managing the country through associations and parties in a society cause rulers to appoint their associates and aligned individuals to various positions. When such individuals slip or commit corruption, and when the enforcement of rules against them is not tolerated and partiality contrary to justice occurs, a disturbed and untrustworthy atmosphere toward rulers is formed in society. The lack of separation of powers and real distribution of power leads to inequality, and the absence of sufficient power for supervision and demand-making, taken together, leads to the formation of a particular type of authoritarianism that ultimately results in the inefficiency of different parts of the system, including the inefficiency of the criminal justice system. This statement is supported by the report of Transparency International, which indicates the reality that the type of political structure of countries and their ranking regarding the level of corruption depend on the political structure and the real establishment of democracy within them. The more countries' forms of government tend toward democracy, the better their condition and standing are in various branches, including human development and low levels of corruption; most developing and Third World countries, because of their distance from genuine democracy, have a far worse situation in this report.

### 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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