



Analysis of dimensions and components of supporting whistleblowers in the Iranian and Egyptian criminal systems

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Abstract

Differential criminal policy in supporting whistleblowers is an approach that Iran and Egypt have adopted, recognizing the need to differentiate between types of whistleblowing. Both countries offer different levels of legal protection based on criteria such as the quality of documents and evidence, the level of risk of the whistleblower, the type of corruption, and the motivations for reporting. Egypt, by enacting Law No. 38 of 2021, has established a relatively advanced framework, including reversing the burden of proof, establishing a specialized institution, and secure reporting mechanisms. Iran, relying on the Law on the Publication and Free Access to Information and other regulations, is also gradually moving towards establishing support mechanisms. Key commonalities between the two countries include paying attention to the documentation of reports, emphasizing disclosure motivated by public interest, and providing protection commensurate with the level of risk. However, there are also common challenges; including weakness in the practical implementation of legal provisions, the lack of fully independent institutions to handle reports, cultural resistance to whistleblowing, and lack of awareness among citizens and law enforcement. With this in mind, the issue of differential criminal policy of supporting corruption whistleblowers in the criminal systems of Iran and Egypt has been examined using an analytical-descriptive method and in a library format. The research findings show that the main difference is in the maturity of the legal system and the depth of protection. Egypt has taken greater steps with a special law and dedicated institutions, and as a result, Iran is still in the process of formulating and completing its legal frameworks. However, both countries need to strengthen independent supervisory institutions, provide sufficient resources, extensive training, and create a culture of trust in support mechanisms to effectively implement this policy.

Keywords: Criminal policy, differential, corruption, whistleblower, Egypt, Iran

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1- Introduction

Iran and Egypt are among the countries that have acceded to the United Nations Convention against Corruption of October 31, 2003, entitled "Combating Transnational Organized Crime" (Palermo) and (Merida Resolution No. 4/58) adopted by the General Assembly. Article 33 of these conventions obliges States to protect witnesses and whistleblowers of corruption, both material and moral, and stipulates that each State Party shall include appropriate measures in its domestic legal system to protect any person who,

in good faith and on reasonable grounds, supports any unjustified treatment and to report to the competent authorities any facts related to criminalized acts in accordance with this Convention, which, in a way, in the system of whistleblowing corruption and the laws being enacted, indicates the importance and sensitivity of the issue. In today's societies, where the fate of its members is intertwined and the state intervenes in almost all matters and aspects of the lives of individuals, systems and organizations, including the criminal system, the cultural, economic, social and political system, have also expanded. Crime prevention is the common duty of all these systems. Although the impact Some of them may be more and stronger than others. Basically, criminal policy cannot be limited to punitive responses to crime and in the form of criminal law and criminal procedure in Iran and Egypt, but rather a deterrent and preventive approach plays a major role in explaining the differential criminal policy, especially since major corruption crimes are among the crimes that criminals commit with complex methods and techniques, and sometimes by using their power and influence in the government, which in this regard, the recognition and application of preventive measures by the legislator appears to be more effective than repressive measures. However, success in prevention depends on the participation of all civil society actors based on a participatory policy. Despite some commonalities in dealing with corruption crimes and supporting whistleblowers in Iranian and Egyptian law, such as the change in the burden of proof in financial and administrative corruption related to it, the Iranian and Egyptian criminal systems lack a specific criminal and differential policy that is coherently and effectively to prosecute and deal with crimes and support whistleblowers. This weakness stems from the lack of a differentiated approach to these crimes and the dispersion of regulations. In Iran, various administrative and judicial laws have addressed the issue of corruption. Here, in order not to prolong the discussion, only Egyptian sources with articles will be mentioned, and the detailed principle will be given in the thesis. Some of the important Egyptian laws that have addressed the importance of this issue, but in a scattered manner and not comprehensively in a specific law, include: The Egyptian Constitution in Articles 63 and 96 - Legal articles in the Criminal Procedure Code approved in 1951 and its latest amendments in 2020, the Criminal Procedure Code (Article 24, Article 29, Article 110, Article 117, Article 119, Article 121, Article 256, Article 277, and the Egyptian Penal Code (the Penal Code issued by Law No. 58 of 1937) (Article 304, Article 310) The Egyptian Law on the Proof and Execution of Criminal Judgments in Articles 65 and 66, the Law on the Reorganization of the Administrative Prosecution and Disciplinary Courts, Article 117 of 1958. Law No. 75 of 1963 regarding the organization of the State Cases Committee, amended by Law No. 10 of 1986. The Law on the Reorganization of the State Cases Committee, Article 10 of 1986. Administrative Control Authority No. 54 of 1964 and its amendments contained in Law No. 207 of 2017 Law No. 47 of 1973 regarding legal departments in public institutions, public bodies and their affiliated units. Law on Leadership Positions No. 5 of 1991 and its amendments, with the repeal of any provision that contradicts the provisions of the Civil Service Law. Law on Tenders and Bidding No. 89 of 1998 and its amendments issued by Law No. 182 of 2018. Law on Money Laundering No. 80 of 2002 and its amendments by Law No. 36 of 2009. The issue of protecting whistleblowers and the method of accepting reports, etc. has been mentioned, and this issue has been passed in other Islamic countries such as Algeria in 2006, Yemen in 2006, Iraq in 2008 and 2017 - Palestine in 2019 - Jordan in 2014, Lebanon in 2018, etc. Independent laws have been passed and have been separately addressed to support this issue and its necessity.

2- Theoretical Foundations

Criminal Policy:

The concept of criminal policy, a term first introduced by Anselm von Feuerbach almost two centuries ago, seems to be a complex and meaningless one. Within the framework of Bach's influential theoretical perspective, criminal policy has certain characteristics: it includes tools and measures that are essentially repressive and punitive. - This policy embodies a formal dimension that indicates its state affiliation. The conflict against criminal behavior is a phenomenon that determines its parameters and classifications. The prevention of criminal activity is realized exclusively through repressive measures and the implementation of punitive punishment. (Mikay, 2022). Subsequently, in 1889, another German researcher named von List described criminal policy as a systematic arrangement of principles through which state institutions and

social institutions organize the fight against crime. In 1905, in his scientific work entitled “The Science of Prison Administration and Law”, he defined criminal policy and criminology as an applied discipline aimed at achieving practical efficiency in the rational and effective organization of the fight against crime. In this context, criminal policy is synonymous with the term penal policy and refers solely to the set of repressive mechanisms that the state uses to regulate delinquency. Futterbach stated in his interpretation of criminal policy that: “Criminal policy is the wisdom of the state legislator and the set of repressive methods with which the state combats crime.” Subsequently, von List stated that criminal policy entails the application of criminal law from the perspective of the effective fight against crime. Klein-Skelard defines criminal policy in this context and claims that it represents the acceptance of the means through which legislators intend to limit violations and protect the inherent rights of citizens. (Paris and Wilson, 2020)

Differential Criminal Policy:

As a conceptual and operational framework, differential policy means designing and implementing different approaches and measures against different groups, individuals or situations based on their distinctive characteristics, conditions or needs. This policy is based on the principle that homogenization and the same treatment of heterogeneous phenomena can not only be ineffective, but also lead to the exacerbation of inequalities or the neglect of specific needs. Therefore, differential policy tries to provide proportionate, fair and efficient responses by accurately recognizing the differences and diversity existing in a society or a system. At the core of this concept is the “identification of criteria of differentiation”. These criteria can be based on various factors, including the severity and type of the problem, the degree of vulnerability, existing capacities, the cultural or social context, and even hidden or overt motivations. For example, in the area of anti-corruption, a differentiation policy might distinguish between whistleblowers motivated by public interest and evidence, and those motivated by personal or hostile motives, and offer different levels of legal protection and safeguards to each group. Successful implementation of a differentiation policy requires “transparent and fair mechanisms” for assessment and classification. These mechanisms must be accurate, fair and predictable, so as to prevent biased or discriminatory decisions and to gain the trust of stakeholders.

Ardebili, Mohammad Ali Mahdavi, Thabet Mohammad Ali Najarzadeh, Ahri, Hojjat, 2012 Criminal Policy Regarding Unjustified Wealth of Public Officials in Iranian Law, *Journal of Justice*, Volume 86, Issue 118, July 2012. One of the new examples of financial corruption, considering the United Nations Convention against Corruption (UNCAC) adopted in 2003 and other international conventions, is the possession of unjustified wealth by public officials. Unjustified or disproportionate wealth refers to wealth that is disproportionate to the legal and known income of a public official. It should be noted that proving crimes related to financial corruption and collecting evidence against the perpetrator is generally difficult, and in most cases, corruption is not discovered. In fact, predicting such a crime helps the prosecution authorities to exempt them from proving their criminality. In this way, the burden of proving the legitimacy of these assets falls on the public agent. The purpose of this article is to address the criminal policy towards this type of property in order to determine whether the holder of such wealth is criminally liable in Iranian law? Does the prosecution authority have the legal obligation or possibility to pursue and prosecute the agent in the event of such a situation? In the midst of the discussion, in order to enrich the material further, the laws of some countries have also been referred to. By examining the relevant laws and regulations, it can be said that Iranian law lacks a criminal response to the wealth of public agents that is not justified, and the prosecutor does not have a legal license to investigate wealth that is disproportionate in any way. Article 49 of the Constitution and the law related to the implementation of the aforementioned principle and Article 2 of the Law on Aggravation of Punishment for Perpetrators of Bribery, Embezzlement and Fraud cannot be used in this regard.

Asadinejad, Jamali, Mohammad Zarei, Mohammad Hossein, 2012 The Role of Structural Components on Economic Corruption *Journal of Legal Research*, Volume 25, Issue 97 - Serial Issue 97 June 2012 Economic corruption and governance is a category that has received less attention in Iran. Although macro-economic corruption is more related to the field of political economy, the type of political structure in which governance is implemented is of great importance on the level of macro-corruption in a society. Therefore,

the political structure must be designed in such a way that it carries the least possible amount of corruption with it, and this is where the role of public law stands out in determining what components a political system should have and which characteristics it should not have in order to result in the least corruption. Therefore, this article attempts to explain the role of the components and institutions of public law on the level of economic corruption.

3- Iran's Criminal Policy and Corruption Reporting

Legislative Study of Corruption Disclosure in the Field of Iranian Criminal Law:

A study of the scattered laws and regulations in the Iranian legal system shows that there is no unified, transparent, and supportive approach to the phenomenon of corruption disclosure. In other words, we cannot speak of a codified and coherent "legislative criminal policy" in this field. Rather, we are faced with few and scattered efforts, each of which deals with a part of the complex puzzle of disclosure, without drawing a comprehensive and safe picture for the whistleblower. One of the most important laws that can be somehow related to the issue is the Law on the Publication and Free Access to Information, approved in 2009. Although this law does not directly protect whistleblowers, by recognizing citizens' right to access information, it provides a legal basis for discovering and, as a result, the possibility of disclosing violations and corruption. This law considers information from government and public institutions to be subject to the right of access, and this in itself can be a source of disclosure. However, this law is clearly silent on ensuring the security and preserving the identity of the whistleblower and does not foresee any protection mechanism for someone who makes a disclosure based on the information received (Research Center of the Islamic Consultative Assembly, 2009).

Lack of effective protection mechanisms for whistleblowers:

In many societies, whistleblowers play a key role in identifying and combating financial, administrative, and ethical violations. These individuals risk their job positions, personal comfort, and even their own safety to expose hidden truths. However, the lack of appropriate protection mechanisms for these individuals not only causes many violations to remain hidden, but also exposes the whistleblowers themselves to severe consequences. One of the most important problems that whistleblowers face is the fear of losing their jobs and source of income. In many cases, after making a disclosure, the individual is fired or indirectly pressured to leave the workplace. This is especially common in organizations that lack transparent and accountable structures. In addition, whistleblowers may face legal prosecution; in such a way that they are sometimes persecuted on various pretexts instead of being appreciated (Transparency International. (2013).

Another issue is the lack of a legal umbrella. In the absence of strong and comprehensive laws, whistleblowers remain vulnerable to threats and psychological pressure. In some countries, although laws exist to protect whistleblowers, their implementation is weak or not properly followed up. This weakness in implementation effectively causes existing laws to remain in place and fail to provide practical protection to individuals. In addition to job and legal threats, whistleblowers often face rejection by society and even their loved ones. These social pressures can lead to isolation and severe psychological problems. Many whistleblowers suffer from anxiety disorders and depression due to the lack of psychological and social support (Vaughn, 2012). To improve these conditions, it is necessary to design and implement comprehensive support mechanisms. These mechanisms can include clear laws to protect whistleblowers' jobs, the establishment of independent oversight bodies to handle complaints, and the provision of psychological and legal support. Also, creating a culture and increasing public awareness about the importance of whistleblowing can help reduce social stigma. The experience of countries that have been successful in this area shows that the existence of solid legal frameworks and strong supervisory institutions not only protects whistleblowers, but also contributes significantly to the transparency and soundness of administrative and economic systems (Androulakis, 2007).

Monitoring the implementation of whistleblower protection regulations and its challenges:

The status of monitoring the implementation of whistleblower protection regulations in Iran is considered one of the most challenging and complex parts of the anti-corruption system in the country. Even in cases where relatively appropriate laws and regulations have been adopted in this area, the weakness in accurate, continuous and effective monitoring of their implementation has caused these laws to face serious obstacles in practice and fail to protect whistleblowers' rights as they should. One of the main challenges is the dispersion and multiplicity of supervisory institutions. The responsibility for monitoring the implementation of protective regulations is distributed among various institutions, including the General Inspectorate of the State, the Court of Accounts, the judiciary, and even internal units of each organization. This dispersion not only leads to overlapping duties and parallel work, but also causes no single institution to have full responsibility and clear accountability for the performance of the entire system. As a result, when there is no protection for whistleblowing, it is not clear which institution should be held accountable (Gholami, 1401).

Another challenge is the lack of objective and quantitative indicators to measure the performance of supervisory institutions. How can one measure the extent to which a supervisory institution has fulfilled its duties towards whistleblowers? Is the number of cases handled the criterion for retaliation? Or the percentage of votes issued in favor of whistleblowers? The lack of such indicators makes it impossible to accurately assess and calculate institutions, and turns supervision into a verbal and formal matter.

Weakness in ex post supervision is also a major problem. In many cases, even if a court or authority rules in favor of the whistleblower and orders reinstatement or compensation, the institution responsible for overseeing the accurate and timely implementation of these rulings either does not exist or lacks the necessary authority. This means that the ruling is, at best, implemented after months or years, and at worst, remains completely silent. The organizational culture of many oversight institutions also acts as an obstacle. These institutions, which are themselves part of the country's administrative system, may be reluctant to seriously pursue violations of whistleblower protection and expose offending organizations due to bureaucratic considerations, inter-organizational relationships, or a desire to maintain the "reputation of the system." This kind of self-censorship and avoidance of marginalization weakens oversight power from within. Furthermore, whistleblowers' limited access to information about the oversight process exacerbates distrust. A whistleblower is often left in the dark, not knowing where in the oversight body his or her report is being processed, who is responsible for following it up, and where to complain if it is not followed up. This lack of transparency places the whistleblower in a completely passive and helpless position (Najafi, 2010).

To strengthen oversight, the establishment of an "independent and supra-institutional supervisory body" with broad powers, sufficient budget, and the ability to deal decisively with offending organizations seems to be an inevitable necessity. This body should be required to publicly publish statistics and periodic performance reports, and provide easy access and follow-up of the status of complaints to whistleblowers. Without such a powerful body, the laws adopted, however progressive, will ultimately remain only on paper.

Criteria for exposing corruption:

In Iranian criminal law, corruption is also partly due to the existence of laws that give a monopoly on the production of goods to a single brand or only domestic production. For example, the monopolization of Iran Khodro and Saipa companies has caused, in addition to the skyrocketing increase in the number of cars, the quality of these cars has also been overshadowed, while for the same amount of money one can buy a much better and safer car than domestic products. Therefore, the corruption in this field and the rent that is created have caused even the lives of citizens to be forgotten. Another reason for corruption in Iran is the inflation of laws. One of the important reasons for administrative and economic corruption is the disorder of laws, which is caused by similarities, discrepancies and contradictions in the laws. In the time that Iran has been in the process of establishing a legislative body for about 110 years, 11,000 laws have been passed, compared to France, which has been in the process of establishing a legislative body for about 200 years, which has passed about 3,800 laws, and various laws are constantly being passed in the Islamic

Consultative Assembly. This leads to confusion for managers. Many of these laws are not very necessary, and because of these unnecessary laws, the manager cannot manage this issue. Therefore, it creates ambiguity in the administrative procedure and management of the unit in question, and this ambiguity makes problems in the field of corruption management difficult. Arbitrary actions, personal perceptions, untrue actions, etc. are involved in this issue. Therefore, here we have situation-based corruption and the opportunity is available to create corruption and commit crimes (Masouminia and Dadgar, 2008)

4. Egypt's discriminatory criminal policy in supporting whistleblowers

Legislative Review of Corruption Disclosure in the Field of Egyptian Criminal Law:

The issue of corruption disclosure in Egyptian criminal law has followed a turbulent and yet progressive path compared to many countries in the region. Egyptian laws have gradually, inspired by international experiences, tried to create a framework to encourage disclosure while preventing the abuse of this mechanism.

The main legislative basis in this field is Law No. 62 of 1975, known as the “Administrative Mistakes Law”, which, although old, is still considered one of the important pillars of the fight against administrative corruption. This law obliged government employees to report any financial or administrative irregularities to the competent authorities. However, this law emphasized more on the reporting duty and did not provide comprehensive protection mechanisms for the reporter. An important development occurred with the adoption of Law No. 38 of 2021. This law, considered one of the relatively progressive laws in the Middle East, has taken great strides in protecting whistleblowers. It clearly defines a “whistleblower” and covers a wide range of violations, including financial and administrative corruption, conflicts of interest, abuse of power, and even cases that threaten public health or the environment (Abdel Fattah, 2022).

One of the strengths of this law is its emphasis on reporting channels. The whistleblower can submit his or her report in order of priority, first internally to the organization’s direct manager or internal inspection unit, then to independent external bodies such as the National Anti-Corruption Commission (Haithah Meli Lam Harebeh Al-Fasaad) and finally, in certain cases, even to the public and the media. This hierarchy helps maintain trust and allows for internal investigation, but at the same time, it leaves open alternative avenues in case the internal body fails to respond. Egypt’s 2021 law provides extensive protections for whistleblowers. These include the prohibition of any dismissal, suspension, demotion, threat or any form of harassment for whistleblowing. The burden of proof is also on the organization to prove that any action taken against the whistleblower was not related to his/her report. This reversal of the burden of proof is considered one of the strongest protections in the law (Mansour, 2021).

Executive oversight of corruption whistleblowers’ actions in Egypt:

The state of executive oversight of corruption whistleblowers’ actions in Egypt, despite relatively significant legislative progress in recent years, faces profound structural challenges and obstacles. This oversight, which should ensure the effective implementation of the provisions of the protective laws, in practice struggles with numerous institutional, cultural and administrative difficulties. The National Anti-Corruption Commission (Haitha Meli لمحاربة الفساد), as the main body responsible for receiving reports and overseeing the implementation of the law, faces serious limitations in authority and resources. Although formally empowered to hear complaints from reporters, the panel lacks the enforcement power to compel powerful government ministries or agencies to reinstate dismissed employees or stop retaliatory measures. The panel’s decisions are often advisory in nature and lack strong enforcement guarantees. This institutional weakness creates a vicious circle in which, despite progressive legislation, reporters find no safe haven in practice to assert their rights (Mubarak, 2022). One of the greatest challenges is monitoring the implementation of judicial rulings issued in favor of reporters. Even in the rare cases where a court rules in favor of a reporter and orders reinstatement or compensation, there is no specific and powerful body to monitor the timely and accurate implementation of these rulings. Violating organizations may refuse to implement the ruling by deliberately delaying it, creating complex administrative procedures, or even ignoring it altogether, while reporters have no quick and direct mechanism to pursue their complaints.

The prevailing administrative culture also acts as an invisible but very powerful barrier to effective oversight. In many institutions, the reporter is perceived as a “saboteur” and “disloyal” to colleagues and managers. This attitude causes him to gradually become isolated, excluded from important projects, and denied the possibility of career advancement, even if no direct action is taken against him. Monitoring such indirect and intangible actions, which occur in the form of human and administrative relationships, is extremely difficult for any oversight body. Weaknesses in data collection and analysis also hinder systematic oversight. There is no integrated and transparent database that tracks the exact number of reporter, the type of violations reported, the retaliatory actions taken, and the outcomes of cases. This lack of data eliminates the possibility of assessing the effectiveness of laws, identifying problematic areas, and adopting targeted reform policies (Suleiman, 2023).

Obstacles facing whistleblowers in Egypt from a non-criminal perspective:

Despite the relatively advanced legislative frameworks in recent years, whistleblowers in Egypt face deep, multi-layered, and highly complex obstacles that often make whistleblowing a risky and costly practice, even despite the adoption of protective laws. These obstacles are not limited to the absence of laws, but are also rooted in the cultural, social, administrative, and executive context of Egyptian society.

One of the most fundamental and fundamental obstacles is the fear of organized and systematic retaliation. Although the new laws prohibit such actions, in practice, a whistleblower may face a wide range of indirect and subtle retaliations that are very difficult to prove to be connected to the whistleblowing. These measures can include social isolation in the workplace, exclusion from important projects, appointment to ineffective positions, creation of phony disciplinary cases, accusations of incompetence, or severe psychological pressure. These methods are so subtle and indirect that they put the whistleblower in a difficult position, since he cannot easily prove it in court.

The culture of silence and obedience to the hierarchy is another major obstacle. In many public and private institutions, loyalty to the boss and maintaining internal cohesion, even in the shadow of corruption, are considered unwritten values. In such an environment, the person who makes a whistleblower is not seen as an upright citizen, but as a “traitor” and “agent of instability.” This social stigma can lead to the individual’s isolation not only in the workplace, but also in social and family networks. This heavy social pressure prevents many capable individuals from taking action to disclose. The extreme weakness in operational and enforcement protection is also a major problem, even in the presence of good laws. Supervisory bodies such as the National Anti-Corruption Commission often lack sufficient authority to immediately and decisively enforce their orders. For example, if a whistleblower is fired, the process of returning to work may take months or even years, during which time he or she is left without income and exposed to severe economic damage. The lack of a specialized police institution to provide immediate security for whistleblowers under threat of death is also a serious weakness (Baker, 2021).

Legal protection platforms for whistleblowers:

Creating comprehensive and effective platforms to protect whistleblowers in Egypt, as a fundamental element in strengthening the fight against corruption and promoting transparency, requires a multidimensional transformation that is not limited to the adoption of laws, but also includes institution-building, culture-building, and ensuring implementation. In recent years, efforts have been made in this area, which, although still far from the desired point, indicate a move in the right direction. One of the most important of these platforms is the development of clear and precise legal frameworks. The Anti-Corruption Law of 2018 and then Law No. 38 of 2021 have laid the appropriate legal foundation by recognizing the right to whistleblowing and clearly defining instances of corruption, protecting whistleblowers from retaliation, and providing for safe reporting mechanisms. In particular, the “reversal of the burden of proof,” whereby the accused organization is responsible for proving that its action against the whistleblower had nothing to do with his or her disclosure, is considered a revolutionary step in Egyptian law (Saeed, 2022).

At the institutional level, the establishment of independent specialized institutions is at the heart of this transformation. The National Commission for Combating Corruption, as the overarching oversight body, and in particular the Central Unit for Combating Corruption, as its executive arm, are responsible for receiving, processing, and following up on reports. The success of these bodies depends on operational independence, adequate funding, and the ability to issue binding orders to other government agencies. Also, the establishment of "specialized courts" to handle whistleblower-related cases can reduce the length of the trial process and the pressure on the whistleblower. Secure and confidential reporting systems are also technical pillars of these platforms. Setting up electronic platforms with advanced encryption capabilities, the possibility of anonymous or confidential reporting, and ensuring the protection of the reporter's identity increase the trust necessary for action. Training the staff of these systems to deal with reporters professionally and empathetically is as important as the technology used. Financial and psychosocial support are other essential platforms. The establishment of a "whistleblower support fund" to cover living expenses, legal fees, and medical treatment during the case process could relieve the heavy financial burden on whistleblowers. Also, access to psychological counseling services to deal with the psychological pressures and harassment resulting from whistleblowing should be recognized as a legal right for whistleblowers.

Conclusion

Disclosure of economic corruption is one of the tools that governments use in light of implementing a participatory criminal policy, and through this, they were able to prevent economic corruption to a significant extent and succeed in drawing their own criminal model. Systematizing corruption disclosure requires platforms that, if they exist, can hope for efficiency and optimal use of public capacities. The role of the legislature for effective intervention in the disclosure situation is very important. Creating executive, judicial, structural, and even cultural platforms is not possible without effective legislative intervention. Despite the approval of numerous regulations (regulations or guidelines) in the field of corruption disclosure, no regulation directly related to this issue has been approved by the legislative body. Also, creating or existing platforms necessary to obtain relevant information is another necessary component in this regard. Creating obstacles to accessing information is not compatible with transparency and support for public oversight. To the extent that it is possible to obtain information related to economic activities and the occurrence of economic crimes, the ground for public oversight will also be provided. However, the current plans and regulations in the field of corruption disclosure have neglected the necessary foundations. On the one hand, there is a serious legislative vacuum in several areas such as the scope of corruption disclosure. On the other hand, the approval of some other laws that pave the way for effective corruption disclosure, such as laws related to transparency and conflict of interest, is an important issue that the legislator should pay attention to in addition to determining the disclosure mechanism, policy-making, and regulation. In order to determine the desired model for systematizing corruption disclosure, it should be kept in mind that if a law is enacted in a way that does not take into account its acceptability and feasibility, then its status is equivalent to inviting the public to violate the law. Regarding the fight against economic corruption, it is necessary to continuously identify the bottlenecks that create this situation in institutions providing public services. In Iran, although many interventions have been made in this field, it is necessary to carry out an intervention with a moderate approach and in a comprehensive manner. A model that, while using international experience, also takes into account the cultural, social, economic, structural and domestic political requirements. In establishing effective rules and interventions regarding confronting and combating economic corruption, it should be noted that preventing the occurrence of corruption through intervention in changing administrative structures is the solution to the problem of corruption in society. Corruption disclosure should be carried out in a multi-layered manner and by resorting to comprehensive measures. Therefore, legislative intervention is necessary in organizing this matter. Also, the regulation of ethical codes regarding the disclosure and reporting of corruption should be regulated for each of the professions providing public services. In parallel with the legal regulation, the necessary training should be provided to individuals. The necessary awareness should be provided to the public through public education. Culture should be created and concern should be created for the people regarding this situation. Civil institutions and specialized associations should be strengthened and play a

key role in this regard. As one of the most important actors in exposing corruption are NGOs, it is necessary to pay more attention to this institution in Iran, because the successful activity of these organizations requires the creation of cultural platforms and strengthening the sense of participation in society.

In the case of Iran, it should be noted that the Law on the Protection of Corruption Reporters, passed on 14/09/1402, was a positive but incomplete milestone on the path to transparency and the fight against corruption in Iran. By recognizing the right to disclose and trying to create security for reporters, this law is considered a necessary and forward-looking step that can pave the way for a cultural transformation in government and public institutions. The main value of this law is that for the first time, it has focused on the issue of protecting those who are willing to break the silence in a focused and detailed manner and has defined a relatively comprehensive legal framework for it. However, the various aspects of this law show that its approval alone is not enough to create tangible change and its successful implementation depends on resolving deep structural and executive challenges. From a legal perspective, this law, despite providing protections such as confidentiality, judicial immunity, and rewards, suffers from ambiguities and internal contradictions. The most important contradiction is the inherent conflict between “the need to keep the reporter’s identity confidential” and “the need to establish his/her entitlement to receive protections and rewards,” which, if a secure and non-transparent mechanism is not designed, could lead to unwanted disclosure of identity. From an institutional perspective, the success of the law depends on the performance of existing oversight institutions, such as the General Inspectorate of the country, which may themselves be involved in administrative bureaucracy or be influenced by other powerful institutions. The lack of an independent, specialized, and powerful institution responsible for receiving reports, processing them, and immediately implementing protections is one of the major gaps in this law. From an implementation perspective, the main challenge is to transform the text of the law into practical and objective measures. How can the disclosure of the reporter’s identity be prevented in a complex administrative system? How can a reporter who has been retaliated against be provided with immediate job protection in a short period of time? How can the impact of a report in uncovering corruption be measured objectively and fairly? Answering these questions requires very precise, transparent, and expert executive regulations, which unfortunately have not yet been fully provided or well-drafted. From a socio-cultural perspective, the biggest obstacle is the historical distrust of citizens in the governance system and the fear of the consequences of disclosure. In order for this law to become an effective tool, it must be able to eliminate this distrust with pragmatism and determination. This requires conducting extensive awareness campaigns, training government employees, and creating a culture in the media so that everyone knows that reporting is not only safe, but also valuable and responsible. As a result, it can be said that the passage of this law is a necessary condition for protecting whistleblowers, but it is not a sufficient condition. Realizing the ideals of this law requires determination beyond the passage of a text; a determination that depends on providing sufficient funding, designing capable executive institutions, writing precise and comprehensive regulations, and building trust among the people. Without this support, there is a risk that this law, like other good laws without enforcement, will remain on the law books and will not have a tangible impact on reducing corruption or increasing transparency. Therefore, the future of this law will be determined not by its text, but by the field of action and the will of its implementers.

Iran’s differentiated criminal policy on supporting whistleblowers can be seen as a symbol of the gradual evolution of the country’s legal system towards understanding the complexities of the whistleblowing phenomenon and the need to provide appropriate responses to it. This policy, which is based on recognizing the need to distinguish between the types of whistleblowing and the motivations behind it, seeks to create a balance between two fundamental goals: on the one hand, encouraging citizens to participate in detecting and preventing corruption, and on the other, preventing the misuse of protection mechanisms for personal or hostile purposes. Understanding the necessity that whistleblowing can be both a valuable source for uncovering corruption and a tool for the wanton destruction of individuals or institutions has led Iranian policymakers to design intelligent mechanisms that operate based on objective and fair criteria.

In practice, this differential policy manifests itself in the quality and quantity of information disclosed, the level of risk of the whistleblower, the type of corruption discovered, and the main motivations for the disclosure. Documented and evidence-based disclosures that are motivated by serving the public interest are given top priority for protection and are subject to the fullest range of legal protections, including protection of identity, judicial protection against deterrent lawsuits, and access to legal advice. In contrast, cases that lack strong documentary support or that are clearly motivated by personal motives are treated with greater caution and after careful assessment. This approach not only helps to optimally allocate limited government resources, but also strengthens the overall credibility of the whistleblower protection system.

However, the effectiveness of this differential policy depends on overcoming deep structural and cultural challenges. The lack of fully independent institutions to handle reports and investigate allegations of retaliation remains a serious obstacle to the fair implementation of this policy. Also, a deep-rooted organizational culture in which loyalty to superiors takes precedence over honesty and transparency can covertly influence decisions about how to evaluate reports. Furthermore, the lack of widespread awareness among citizens and even law enforcement officials about the details and benefits of the differential policy may lead to distrust and reluctance to use these mechanisms. Egypt's differential policies towards whistleblowers can be seen as a manifestation of the country's attempt to strike a balance between encouraging constructive disclosure and preventing abuse of protective laws. This approach, which is based on distinguishing between types of whistleblowing, attempts to gradually create an environment in which genuine whistleblowers feel safe and supported by prioritizing cases with strong documentation, public motivations, and high impact, while narrowing the path for unfounded or personally motivated claims. These policies reflect the growing understanding by Egyptian authorities that the fight against corruption requires citizen participation, and that this participation can only be achieved through trust in the system and assurance of effective support. However, the effectiveness of these differentiated policies depends on overcoming major challenges that remain. Weakness in the practical implementation of legal provisions, the lack of strong independent institutions to monitor the process of protecting whistleblowers, and a deep culture of silence within the administrative body are among the obstacles that can fuel discrimination in policy implementation and further marginalize genuine whistleblowing rather than encouraging it. Also, the lack of transparency in the precise criteria for distinction may lead to arbitrary and unpredictable decisions that undermine the trust of potential whistleblowers. For these policies to be effective, Egypt needs to strengthen independent oversight institutions, provide adequate funding for support programs, and establish transparent mechanisms for assessing and classifying reports. In addition, it is crucial to create a culture within society and government agencies that accepts whistleblowers as a value rather than a threat. Ultimately, the success of these policies must be sought in Egypt's ability to build public trust, a trust that can only be achieved by demonstrating tangible support for whistleblowers in tangible cases and by seriously pursuing their reports. Only then can we hope that differential policies will become a means of encouraging rather than restricting whistleblowing.

In discussing Egypt's differential policies for whistleblowers, it is worth noting an approach that attempts to distinguish between different types of whistleblowing and the motivations behind them. These policies seek to pave the way for a more effective fight against corruption by identifying and encouraging constructive and "honest" whistleblowing, while preventing abuse or personal gain.

One of the main thrusts of these policies is the focus on evidence-based whistleblowing. The judicial system and oversight bodies in Egypt are gradually moving towards placing greater value on reports that are accompanied by tangible evidence, documents, or verifiable information, rather than simply general or unfounded allegations. This approach both enhances the credibility of the whistleblower and allows for faster judicial and administrative follow-up. In other words, the more documented and detailed the whistleblower is, the greater the legal and administrative protection for the whistleblower.

On the other hand, differential policies attempt to distinguish between public and private motives. Whistleblowing that serves the public interest, safeguards state assets, and increases transparency is much more likely to be supported than complaints that stem from personal differences, grudges, or career

rivalries. By examining the context and circumstances of the disclosure, oversight bodies try to make a better judgment about the credibility of the report and the whistleblower's eligibility for legal protection.

The type of corruption disclosed also affects the level of protection. Disclosures related to large-scale, systematic, and network corruption, which have a wide impact on the economy or national security, are usually pursued much more seriously, and stronger security and protection protections are considered for their whistleblowers. In contrast, small or limited cases may be handled through conventional mechanisms.

An important feature of these policies is the scalability of protection. This means that the level and intensity of legal, protective, and even financial protections for the whistleblower depend on the importance of the report, the level of risks that threaten him, and his role in uncovering corruption. This procedure allows the limited resources of the supporting institutions to be allocated more optimally.

Overall, by implementing such differential policies, Egypt is attempting to both increase positive incentives for whistleblowing and reduce the possibility of abuse of protective laws for personal gain. While significant challenges remain in implementing these policies fairly and impartially, the very act of moving toward differentiation is a necessary step toward building an efficient and trustworthy system. For this policy to fully bear fruit, Iran needs to strengthen independent oversight institutions, provide adequate funding for practical support programs, and invest in training judges, lawyers, and civil servants on the importance and application of the differential policy. Also, establishing a transparent system for monitoring the implementation of the policy and addressing complaints about it can increase public trust. Finally, fostering a culture in which whistleblowing is viewed as a patriotic act and a valued civic responsibility is critical. Only then can Iran's differentiated criminal policy become an effective tool in transforming whistleblowing from an exceptional and risky act into normal and accepted behavior in the service of the country's administrative and economic health.

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