

Ontology of Crimes Against Administrative Integrity in Iran's Islamic Penal Bill with Reference to Afghan Criminal Law

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Abstract

Administrative integrity is one of the fundamental pillars of good governance and sustainable development, whereas administrative corruption represents the most serious threat to the efficiency of legal and political systems. The present study, titled “*Ontology of Crimes Against Administrative Integrity in Iran’s Islamic Penal Bill with Reference to Afghan Criminal Law*,” aims to explain the theoretical foundations, identify manifestations, and comparatively analyze the criminal policy of both countries concerning administrative crimes. The research method is descriptive–analytical, based on documentary study and comparative analysis between the criminal laws of Iran and Afghanistan. The findings indicate that although both countries share jurisprudential and cultural commonalities, they face institutional weaknesses and implementation deficiencies in enforcing anti-corruption laws. In Iran, the dispersion and inconsistency of provisions within the Islamic Penal Bill and the lack of criminalization for certain cases stipulated in the Merida Convention—such as bribery of foreign officials and illicit enrichment—have resulted in incomplete alignment between domestic legislation and international standards. In Afghanistan, political instability, weak judicial oversight, and the absence of institutional independence have hindered the full realization of administrative integrity. According to the study’s results, legislative reform through revision and harmonization of the Islamic Penal Bill, strengthening independent oversight bodies, decriminalizing minor offenses while focusing on major crimes, enhancing ethical and professional education of public servants, expanding information transparency, and protecting whistleblowers could constitute effective steps toward compliance with the Merida Convention and improvement of the administrative integrity system. Overall, achieving administrative integrity depends on political will, transparent legislation, and an organizational culture grounded in accountability and fiduciary responsibility—essential prerequisites for attaining social justice and public trust.

Keywords: Administrative integrity, administrative corruption, Islamic Penal Bill, Merida Convention, comparative criminal law, Afghanistan, Iran.

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1. Introduction

Administrative integrity is among the most important components in realizing good governance and sustainable development in any society. A healthy administrative system is not only an instrument for the equitable distribution of public services and the establishment of social justice, but also a guarantee for the efficiency of governance structures and the continuity of political legitimacy of governments (Baqerzadeh et al., 2024). Administrative integrity is achieved when transparency, accountability, justice, legality, and efficiency are observed within organizational relations, preventing deviant behavior and abuse of power. Conversely, administrative corruption—recognized as the most serious threat to administrative integrity—undermines social capital, erodes public trust, disrupts development processes, and promotes injustice (Baqerzadeh et al., 2024).

In legal literature, administrative integrity refers to a state in which the performance of employees and managers in executive bodies conforms to legal and ethical standards, minimizing the likelihood of crimes such as bribery, embezzlement, abuse of influence, discrimination, and misuse of administrative authority. According to the World Bank and Transparency International, administrative corruption is defined as “the abuse of public power for private gain” (United Nations, 2019). From a criminal law perspective, this phenomenon constitutes a clear example of crimes against administrative integrity, and its criminalization in various legal systems highlights the importance of combating threats to administrative efficiency.

Iran and Afghanistan, both inspired by Islamic jurisprudence and its justice-oriented principles, have criminalized behaviors that undermine administrative integrity within their respective criminal law frameworks. In Iran, crimes against administrative integrity are stipulated in instruments such as the *Islamic Penal Code*, the *Law on Intensifying Punishment for Perpetrators of Bribery, Embezzlement, and Fraud*, and the *Islamic Penal Bill*. In Afghanistan, the enactment of the *Penal Code* (2017) and the *Law on Combating Administrative Corruption* represented steps toward alignment with international standards (Fakouri, 2022; Hosseini, 2019). Moreover, both countries are parties to the *United Nations Convention against Corruption* (UNCAC, 2003)—the first binding global instrument against corruption (United Nations, 2003). However, differences in institutional and cultural contexts have led to varying levels of effectiveness in implementing this convention.

In Iran, weak internal supervision, the existence of parallel institutions, and legal ambiguities are among the major challenges in preventing crimes against administrative integrity (Mousavifard & Shamsizadeh, 2021). In Afghanistan, political instability, the absence of independent judicial institutions, and the extensive networks of corruption have significantly hindered the realization of administrative integrity (Nabi Sharifi, 2019). Therefore, a comparative examination of the two legal systems can reveal their strengths and weaknesses, facilitating legislative reform and improving administrative efficiency.

This article, employing a descriptive–analytical method and a comparative approach, examines the nature and structure of crimes against administrative integrity in Iran’s *Islamic Penal Bill* and compares them with Afghan criminal law. The main objective of this study is to explain the theoretical and legislative foundations for criminalizing behaviors detrimental to administrative integrity, analyze the differences and similarities in the laws of both countries, and propose legal and institutional solutions for enhancing administrative integrity and preventing corruption. The findings of this research can play an effective role in reforming legislative criminal policy and improving good governance indicators in Iran and Afghanistan.

2. Theoretical and Conceptual Foundations of Administrative Integrity

Administrative integrity is a fundamental concept in the literature of public law, public administration, and criminology, referring to the functioning of the administrative system within the framework of law, ethics, and justice. It represents a state in which public organizations and institutions are characterized by efficiency, transparency, accountability, and behavioral discipline, and their employees perform their duties in pursuit of public interests without any misuse of power (Baqerzadeh et al., 2024). From this perspective, administrative integrity is not only a prerequisite for development and social justice but also an indicator of governmental legitimacy and public trust (Baqerzadeh et al., 2024). In contrast, the absence of administrative integrity, manifested in corruption, leads to distrust, weakened institutional performance, and the collapse of administrative and economic order (Davoodi et al., 2020).

In public law, administrative integrity refers to the establishment of a legal order where administrative decisions are made under the rule of law, transparency, and justice. From a criminological standpoint, it is equivalent to a preventive condition in which organizational delinquency and misuse of public positions are controlled. Thus, administrative integrity can be defined as “the point of equilibrium between the state’s authority and its accountability to the people,” requiring the simultaneous presence of three factors: clear legislation, an ethical organizational culture, and an independent and responsive oversight system (Davoodi et al., 2020).

A) Relationship Between Administrative Integrity, Good Governance, Accountability, and Transparency

At the theoretical level, administrative integrity is closely linked to the concept of good governance. According to the World Bank, good governance comprises institutional mechanisms based on the rule of law, accountability, participation, justice, and transparency (Davoodi et al., 2020). Administrative integrity represents the practical dimension of these principles within state administration. A healthy administrative system facilitates accountability, and accountability in turn safeguards administrative integrity. Furthermore, transparency is an essential condition for administrative integrity since effective anti-corruption efforts are impossible without public access to information and civic oversight (Davoodi et al., 2020). In essence, administrative integrity is the connecting bridge between the principles of good governance and the operational performance of public institutions—the greater the degree of transparency, legality, and accountability, the higher the level of administrative integrity.

B) Ethical Foundations of Administrative Integrity

The ethical foundation of administrative integrity rests upon values guiding individual and organizational conduct in public service. These values include honesty, justice, trustworthiness, and commitment to the public interest (Baquerzadeh et al., 2024). Honesty signifies truthfulness and avoidance of deceit, justice entails equal treatment of all citizens, trustworthiness implies the proper use of public resources and authority, and commitment to the public interest requires prioritizing collective over personal or factional benefits. Without these values, administrative systems rapidly deviate from ethical norms. Administrative integrity is achieved when professional ethics are institutionalized within organizational structures and when managers and employees view themselves not only as subjects of law but also as bound by moral principles (Davoodi et al., 2020). Hence, administrative ethics constitute the foundation of administrative integrity and the precondition for achieving organizational and social justice.

C) Legal Foundations of Administrative Integrity

Legally, administrative integrity is grounded in the principles of transparency, accountability, justice, and the rule of law, which together provide the framework for preventing corruption and ensuring structural health (Davoodi et al., 2020). Transparency enables free access to information and decision-making processes, granting citizens the right to monitor governmental performance. Accountability ensures officials’ responsibility before the law and society. Justice guarantees fair and nondiscriminatory treatment in the delivery of public services, and the rule of law mandates equal legal enforcement for all citizens, including high-ranking officials.

In Iran, these principles are embedded in instruments such as the *Constitution*, the *Law on Promoting Administrative Health and Combating Corruption* (2011), and the *Islamic Penal Bill*. In Afghanistan, the *Penal Code* (2017) and the *Law on Combating Administrative Corruption* (2018) form the legal foundation of administrative integrity (Fakouri, 2022; Hosseini, 2019). Nevertheless, weak enforcement mechanisms and overlapping supervisory bodies have hampered the effective implementation of these laws in both countries. From a public law perspective, administrative integrity cannot be achieved without legal guarantees for transparency and accountability.

D) Social and Cultural Foundations of Administrative Integrity

Administrative integrity is not merely a legal or technical phenomenon but one profoundly influenced by a society’s social and cultural fabric. Societies where ethnic or personal loyalties outweigh merit inevitably experience structural corruption. Conversely, organizational cultures rooted in transparency, trust, and fairness promote ethical behavior (Kheirandish & Jafariniya, 2019). Therefore, public education, civic awareness of rights, and social participation in monitoring governmental performance are crucial for reinforcing administrative integrity. Free media, civil organizations, and an active civil society

serve as key instruments of social oversight. In their absence, corruption becomes institutionalized, eroding administrative integrity over time.

E) Religious Foundations of Administrative Integrity

In Islamic societies, administrative integrity is also supported by religious and jurisprudential principles. Islamic teachings emphasize justice, trustworthiness, piety, avoidance of extravagance, and prohibition of bribery as fundamental ethical values guiding administrative behavior (Baqerzadeh et al., 2024). The Holy Qur'an commands, "Indeed, Allah commands you to render trusts to whom they are due" (An-Nisa 4:58), and Prophetic traditions regard bribery and betrayal as grave sins. Thus, in religious logic, administrative integrity transcends organizational function to become a moral and spiritual duty. In Islamic legal systems such as those of Iran and Afghanistan, these religious values are reflected in the formulation of criminal and administrative laws. The Islamic emphasis on justice and avoidance of oppression forms the theoretical foundation for criminalizing acts such as bribery, embezzlement, and abuse of authority (Hosseini, 2019).

F) Administrative Integrity and Criminalization in the Penal System

A reciprocal relationship exists between administrative integrity and the penal system. Administrative integrity, as a goal of criminal policy, is safeguarded through the criminalization of behaviors that undermine it. Legislators, by criminalizing acts such as bribery, embezzlement, illegal influence, unauthorized appropriation of public property, and discriminatory administrative practices, aim to protect the integrity of the administrative system (Fakouri, 2022). Both Iran's *Islamic Penal Bill* and Afghanistan's *Penal Code* include provisions designed to preserve administrative integrity through criminal sanctions.

However, criminalization alone cannot ensure sustainable administrative integrity without appropriate institutional and cultural frameworks. As noted by (Hosseini, 2019), "Administrative integrity is realized when social prevention and criminal response are in equilibrium." Thus, ensuring administrative integrity requires not only legal reform but also the reconstruction of administrative ethics, public oversight, and judicial independence.

In conclusion, administrative integrity is a multidimensional concept formed at the intersection of ethics, law, and society, with an additional religious dimension in Islamic contexts. Achieving it necessitates synergy among these four foundations: individual and organizational ethics, a transparent and accountable legal framework, a socially just and honest culture, and a value-based religious system guiding public servants toward trustworthiness and service. The absence of any of these pillars renders administrative integrity vulnerable and paves the way for crimes against it. Therefore, analyzing the theoretical and conceptual foundations of administrative integrity is essential not only for a deeper understanding of administrative structures but also for designing effective criminal policies to prevent corruption.

3. Historical Background of Crimes Against Administrative Integrity

Administrative integrity has consistently been one of the principal challenges of governance throughout history. Administrative corruption is, in effect, a historical and global phenomenon rooted in weak oversight institutions, concentration of power, class-based discrimination, and economic instability. Studying the historical background of crimes against administrative integrity enables an understanding of the institutional and cultural roots of corruption and assists in analyzing the trajectory of criminalizing behaviors that undermine administrative integrity. In Iran and Afghanistan—despite structural and political differences—the historical development of administrative corruption shows remarkable similarities. In both countries, corruption originated at governmental levels and gradually permeated various administrative and social strata.

A. Iran: From the Qajar Era to the Adoption of the Law on Promoting Administrative Health

1. Qajar Era: Structural Roots of Corruption

Administrative corruption in Iran has a long-standing history and, during the Qajar period (1789–1925 CE), became one of the defining features of the governmental structure. Governance rested on a *tiyul*-like system and the concentration of power in the royal court. Government posts were largely obtained through bribery and collusion, and the collection of taxes, granting of lands, and even the issuance of judicial rulings were subordinated to officials' private interests. There was no coherent legal system for controlling officials' conduct, and administrative accountability was nearly absent. Bribery, embezzlement, abuse of office, and favoritism were institutionally embedded in the bureaucratic apparatus, and administrative integrity, in its modern sense, had not yet taken shape (Abbasi, 2018).

Widespread corruption in the Qajar period not only impeded administrative development but also eroded the legitimacy of the state. The lack of an independent judiciary, the dependence of bureaucrats on the royal court, and the absence of codified criminal laws turned criminal behaviors within the administrative structure into a socially tolerated custom. As some historians have put it, bribery and collusion in that era were the “ordinary method of administrative interaction” (Abbasi, 2018).

2. Pahlavi Era: Administrative Modernization and the Persistence of Structural Corruption

With the advent of the Pahlavi dynasty (from 1925 CE), administrative and legal reforms toward a modern state began. Enactments such as the *General Penal Code* (1925) and the establishment of the Supreme Audit Court were among the first legal steps to control administrative deviations. Reza Shah sought to build a disciplined and efficient system through centralized administration and a formal bureaucracy; however, excessive centralization and the dominance of personal relations continued to enable corruption. During the reign of Mohammad Reza Shah, with the expansion of state-owned enterprises and large economic projects, embezzlement and bribery spread within higher levels of power. Although legislation on financial crimes advanced, corruption took root in economic and military institutions. The lack of effective oversight over public expenditures and the absence of fiscal transparency weakened administrative integrity; nevertheless, the initial foundations for criminalizing behaviors against administrative integrity—such as bribery and embezzlement—were consolidated during this period (Abbasi, 2018).

3. After the Islamic Revolution of 1979: Social Justice and the Challenge of Institutional Corruption

The victory of the Islamic Revolution marked a turning point in Iran’s administrative system. Social justice and anti-corruption were declared fundamental goals of the new order. Yet political upheavals, the imposed war (1980–1988), and intense centralization of power created new challenges for administrative integrity. In the first decades after the Revolution, the proliferation of parallel institutions, nontransparent resource allocation, and rapid growth of governmental organizations paved the way for administrative corruption. Although multiple laws—such as the *Islamic Penal Code* (1991) and the *Law on Intensifying Punishment for Perpetrators of Bribery, Embezzlement, and Fraud* (1988)—were enacted, weaknesses in enforcement and oversight prevented the full realization of administrative integrity (Mousavifard & Shamsizadeh, 2021).

From the 2000s onward, rising public pressure and international obligations prompted more serious reforms in administrative integrity. Iran acceded to the *United Nations Convention against Corruption (UNCAC)* in 2008 and, subsequently, adopted the *Law on Promoting Administrative Health and Combating Corruption* (2011). This statute was the first comprehensive instrument aimed at prevention, oversight, and combating crimes against administrative integrity, incorporating principles such as transparency, accountability, and public oversight into the legal system (Davoodi et al., 2020; United Nations, 2003). Despite this, challenges such as lack of coordination among oversight bodies, weak sanctions, and political pressures have continued to hinder the achievement of the law’s objectives. Today, administrative corruption in Iran appears to extend from the micro level (petty bribery and discriminatory service delivery) to the macro level (financial corruption in economic institutions), rendering administrative integrity a persistent concern (Davoodi et al., 2020; Mousavifard & Shamsizadeh, 2021).

B. Afghanistan: From Traditional States to the Codification of the Penal Code

1. Historical Course of Administrative Corruption Across Political Regimes

Administrative corruption in Afghanistan, similar to Iran, has a long history and has consistently posed a central challenge to state-building. During the monarchy (until 1973 CE), the administrative structure was based on tribal relations and ethnic loyalties. Government positions were often inherited or obtained through bribery. Weak formal bureaucracy, the lack of codified laws, and the influence of local notables turned corruption into an integral part of the political system (Nabi Sharifi, 2019). With the establishment of the Republic of Daoud Khan (1973–1978) and subsequently the communist government, efforts were made to create a centralized, law-based administrative order. In the 1970s and 1980s, laws regarding officials’ duties and public financial control were adopted; however, civil wars and foreign interventions rendered effective implementation nearly impossible. During the Mujahideen era and later the Taliban regime (1996–2001), administrative corruption reached its peak because the central state had effectively collapsed and personal and ethnic relations replaced administrative rules (Hosseini, 2019).

2. The Islamic Republic of Afghanistan (2001–2021): Institution-Building and Failure to Control Corruption

Following the fall of the Taliban and the onset of institutional reconstruction, administrative integrity became a policy priority. With support from the United Nations and the World Bank, numerous programs were implemented to reform administrative and fiscal systems. Afghanistan acceded to UNCAC in 2004 and committed to criminalizing behaviors against administrative integrity. During this period, institutions such as the High Office of Oversight and Anti-Corruption and the National Procurement Authority Oversight Commission were established (Hosseini, 2019). Despite these efforts, corruption remained entrenched at all levels of the administrative system. International assessments continued to rank Afghanistan among the most corrupt countries up to 2020—a reflection of weak judicial oversight, the absence of a transparent fiscal system, and political interference within the justice sector (Hosseini, 2019; United Nations, 2019).

3. Legislative Developments and the Implementation of the Penal Code (2017 CE)

One of Afghanistan's most important legal developments was the adoption and implementation of the *Penal Code* in 2017. For the first time, this law systematically codified a comprehensive set of crimes against administrative integrity in alignment with international standards. Offenses such as bribery, embezzlement, abuse of influence, illicit enrichment, and forgery were criminalized in detail, with proportionate penalties prescribed. Compared with prior legislation, the *Penal Code* offered more precise definitions of corruption-related concepts and, for the first time, subjected private-sector personnel and international institutions to liability in certain cases (Fakouri, 2022; Kheirandish & Jafariniya, 2019). Nevertheless, enforcement encountered serious obstacles. Political instability, frequent governmental restructuring, and a weak judiciary impeded effective application of the Code. Moreover, opacity in security and economic institutions prevented the sustainable realization of administrative integrity even after the Code's adoption (Hosseini, 2019).

After the fall of the republican government in 2021 and the return of the Islamic Emirate of the Taliban to power, many legal and institutional achievements in the field of administrative integrity were halted. Although the new authorities have emphasized anti-corruption, the absence of modern legislation and independent oversight has placed administrative integrity in an uncertain state (Hosseini, 2019).

In a comparative synthesis, both Iran and Afghanistan have traversed a similar path from traditional corruption to modern criminalization. In Iran, from the Qajar period to the adoption of the *Law on Promoting Administrative Health*, the primary focus has been on developing laws and oversight institutions; yet incomplete implementation and the influence of political networks continue to obstruct sustainable administrative integrity. In Afghanistan, despite the codification of the *Penal Code* and accession to UNCAC, corruption has remained structural and deep due to weak state capacity and political instability (Abbasi, 2018; Fakouri, 2022; United Nations, 2003).

Therefore, the history of crimes against administrative integrity in both countries demonstrates that administrative integrity is not merely a product of legislation but the outcome of interaction among law, political culture, and the political will for transparency and accountability. Without this interaction, even the most comprehensive laws cannot restrain corruption (Davoodi et al., 2020; United Nations, 2019).

4. Ontology of Crimes Against Administrative Integrity in Iran's Islamic Penal Bill

Administrative integrity is one of the fundamental pillars of governance and public trust. In Iran's criminal system, the legislator—through the *Islamic Penal Bill (Ta'zirat Bill)*—has criminalized behaviors that compromise honesty, impartiality, and the efficiency of public institutions, in order to preserve the integrity of the administrative system (Baqerzadeh et al., 2024). The ontology of these crimes entails an exploration of their conceptual structure, manifestations, and the criminal policy adopted by the legislator toward behaviors undermining administrative integrity.

A) Definition and Status

Crimes against administrative integrity in the *Islamic Penal Bill* are classified as part of crimes against public order and social trust. Administrative integrity in this sense is not confined to financial health but encompasses adherence to principles of honesty, legality, and loyalty to the public interest (Abbasi, 2018). Through criminalizing acts such as bribery, embezzlement, abuse of authority, and unlawful appropriation of public property, the legislator aims to protect the government's reputation and prevent administrative deviation. These crimes represent not only a breach of an employee's individual duty but also an affront to public confidence in governmental authority.

B) Main Categories of Crimes

The principal categories of crimes against administrative integrity in the *Islamic Penal Bill* include:

- (a) **Bribery**, wherein a public official receives money or property in exchange for performing or neglecting official duties, undermining administrative impartiality and organizational justice.
- (b) **Embezzlement**, referring to the appropriation of public property by a public official, violating the principle of trust and diminishing public confidence.
- (c) **Abuse of administrative influence or authority**, occurring when an individual exploits official position for personal benefit or to affect others' decisions.
- (d) **Unauthorized appropriation and illicit enrichment**, involving the use or possession of public property without legal authorization.

The common element among these categories is the violation of public trust and the breach of fiduciary duty. Hence, the legislator considers them among the most serious *ta'zir* crimes, prescribing severe punishments.

C) Legislative Approach

The primary legislative approach within the *Islamic Penal Bill* emphasizes the preservation of public trust and the prevention of organizational corruption (Davoodi et al., 2020). The punishments are designed with deterrence in mind and include imprisonment, fines, restitution, dismissal from public service, and deprivation of civil rights. This policy underscores the legislator's perspective that administrative integrity is not merely a financial matter but also a moral and social value. However, the bill primarily focuses on post-crime punitive reactions, granting limited attention to preventive measures. The lack of integration between criminal policy and oversight systems has resulted in legislation remaining largely theoretical.

D) Scholarly Critique

Despite the importance of the *Islamic Penal Bill* in combating administrative corruption, several scholarly shortcomings can be observed:

1. **Ambiguity in definitions and scope** – Some crimes, such as “illicit enrichment” or “abuse of authority,” are vaguely defined, allowing for broad judicial interpretation and undermining the principle of legality in criminal law.
2. **Conflict with existing laws** – Certain definitions (e.g., embezzlement and unlawful acquisition of property) overlap or conflict with the *Law on Intensifying Punishment for Perpetrators of Bribery, Embezzlement, and Fraud*, causing inconsistencies in judicial practice.
3. **Weak enforcement mechanisms** – In practice, implementation of administrative crime provisions faces challenges such as weak oversight, lengthy trials, and political interference. The absence of an independent supervisory body has diminished deterrence (Mousavifard & Shamsizadeh, 2021).
4. **Limited preventive focus** – The bill adopts a reactive stance, overlooking cultural and ethical dimensions of administrative integrity. Sustainable integrity requires education, transparency, and structural accountability (Baquerzadeh et al., 2024).
5. **Lack of alignment with superior and international norms** – Certain provisions are inconsistent with the *Constitution*, the *Civil Service Management Law*, and international instruments such as the *United Nations Convention against Corruption (UNCAC)* (United Nations, 2003).
6. **Incomplete deterrence** – The law's focus on individual rather than collective or organizational responsibility limits the true deterrent potential of its criminal policy.

A structural analysis of the *Islamic Penal Bill* reveals that the legislator's intent—to protect public confidence and reinforce the legitimacy of administrative governance—is evident through the precise criminalization of integrity-violating behaviors. However, the dispersion of regulations, inadequate oversight, and the absence of preventive mechanisms have hindered full realization of its goals. Thus, enhancing criminal policy efficiency in this domain requires conceptual reform of the bill, legal harmonization, and stronger linkage between criminalization and mechanisms of transparency and accountability.

5. Comparison with the Afghan Criminal Law System

A comparative analysis of crimes against administrative integrity in Iran and Afghanistan demonstrates that both legal systems, despite political and structural differences, have moved toward criminalization and institution-building to combat

corruption within the framework of Islamic jurisprudence and influenced by international instruments (Hosseini, 2019). However, variations in institutional context, enforcement guarantees, and oversight efficiency have produced divergent practical outcomes.

A) Criminalization of Similar Offenses in the Afghan Penal Code

The adoption of Afghanistan's *Penal Code* (2017) marked a major milestone in its criminal system and an important step toward combating administrative corruption. For the first time, the Code dedicated a specific chapter to "Administrative and Financial Corruption Crimes," criminalizing acts such as bribery, embezzlement, abuse of influence, unlawful use of public assets, forgery of administrative documents, and illicit gain, with precise definitions and penalties (Fakouri, 2022). Unlike prior scattered and inconsistent provisions, the *Penal Code*, inspired by the *Merida Convention*, sought to provide a comprehensive and modern approach to administrative integrity. Conceptually, the Code's definitions largely parallel those of Iran's *Islamic Penal Bill*, but with a broader scope encompassing private-sector employees and international organizations.

B) Complementary Legislation: Anti-Corruption and Access to Information Laws

In addition to the *Penal Code*, two key Afghan laws play complementary roles: the *Law on Combating Administrative Corruption* (2018) and the *Law on Access to Information* (2015). The former aimed to establish independent oversight institutions, develop a national anti-corruption strategy, and require officials to disclose assets (Nabi Sharifi, 2019). This law defines administrative integrity not merely as an ethical virtue but as a legal obligation. The latter law guarantees citizens' right to access governmental information, thereby strengthening transparency and preventive criminal policy. While Iran has similar regulations, their implementation is fragmented and unsystematic; Afghanistan has sought to create a direct linkage between criminalization and institutional transparency (Davoodi et al., 2020).

C) Comparative Scope and Penalties

In terms of penalties, Afghanistan's legislator, like Iran's, adopts a deterrent approach; however, punishments are scaled according to the offender's level of responsibility. For instance, in cases of bribery and embezzlement, sanctions include long-term imprisonment, restitution, fines, and deprivation of civil rights. A notable difference is Article 376 of the Afghan *Penal Code*, which extends criminal liability to private-sector employees performing public functions on behalf of the government. In Iran, criminal liability is mainly limited to public employees, with exceptions in specific cases involving legal or quasi-public entities (Abbasi, 2018).

D) Influence of the Merida Convention on Legislative Reform

Both Iran and Afghanistan are signatories to the *United Nations Convention against Corruption (UNCAC, 2003)*, which obliges states to criminalize bribery, embezzlement, money laundering, abuse of functions, illicit enrichment, and to strengthen international cooperation (United Nations, 2003). Accession to UNCAC directly influenced anti-corruption legislation in both countries. In Iran, it led to the adoption of the *Law on Promoting Administrative Health and Combating Corruption* (2011) and revisions to financial crime provisions in the *Islamic Penal Bill*. In Afghanistan, it inspired the drafting of the *Penal Code* and the establishment of the High Office of Oversight and Anti-Corruption (Hosseini, 2019). Nevertheless, implementation of UNCAC obligations in both contexts remains constrained by structural weaknesses, lack of institutional independence, and political pressures.

E) Legislative and Executive Criminal Policy

From the perspective of legislative criminal policy, both systems emphasize punitive and reactive approaches—responding to offenses primarily through punishment rather than prevention. In Iran, the *Islamic Penal Bill* focuses on precise criminalization but gives limited attention to preventive mechanisms such as education, financial transparency, and administrative accountability. In Afghanistan, despite the appearance of a more comprehensive framework and the existence of complementary laws, weak enforcement and political instability have diminished their effectiveness (Kheirandish & Jafariniya, 2019).

From the viewpoint of executive criminal policy, notable differences exist. Iran has multiple supervisory institutions, such as the *General Inspection Organization*, the *Supreme Audit Court*, and the *Headquarters for Coordinating Anti-Corruption Efforts*. Afghanistan, on the other hand, has relied mainly on the *High Office of Oversight and Anti-Corruption*. However, in

both systems, institutional independence and operational transparency remain limited, often subject to political influence (Hosseini, 2019; Mousavifard & Shamsizadeh, 2021).

In conclusion, both Iran and Afghanistan have made significant legislative progress in criminalizing offenses against administrative integrity; yet, differences in institutional capacity and governance efficiency have created a persistent gap between law and practice. Iran's criminal system demonstrates greater legislative coherence, whereas Afghanistan's legal framework offers broader definitions and coverage. For both nations, achieving sustainable administrative integrity requires integrating punitive criminal policy with cultural strategies, structural transparency, and institutional accountability, since administrative integrity can be realized not solely through punishment but through reinforcing ethical governance and effective oversight (Baqerzadeh et al., 2024; Davoodi et al., 2020).

6. The Position of the Merida Convention in the Criminal Policy of Iran and Afghanistan

The United Nations Convention against Corruption, known as the Merida Convention (UNCAC), is the first comprehensive and legally binding international instrument on the prevention and fight against corruption. It was adopted in Mérida, Mexico, and entered into force in 2005. Covering four main pillars—prevention, criminalization, international cooperation, and asset recovery/extradition—the Convention provides a unified framework for global coordination against corruption (United Nations, 2003). Its core objective is to strengthen administrative integrity, enhance transparency in the public and private sectors, and develop governmental oversight and accountability mechanisms (United Nations, 2003).

A) Introducing the Objectives and Principles of the Merida Convention

The Merida Convention, emphasizing principles such as transparency, accountability, impartiality, and international cooperation, obliges States Parties to combat corruption at all levels by reforming domestic laws and building effective institutions. It identifies behaviors such as bribery, embezzlement, abuse of functions, money laundering, illegal influence, and financial concealment as global manifestations of corruption and mandates their criminalization and prevention (United Nations, 2003). Moreover, the Convention establishes international mechanisms—such as information exchange, mutual legal assistance, and asset recovery—to facilitate coordinated global action against corruption (United Nations, 2019).

B) Alignment of Iran's Ta'zirat Bill with Convention Provisions

Iran acceded to the Merida Convention in 2008, after which reforms were initiated to harmonize criminal policy with international obligations. Key measures included the adoption of the *Law on Promoting Administrative Health and Combating Corruption* (2011) and amendments to sections of the *Ta'zirat Bill*, in which behaviors such as bribery, embezzlement, and unlawful influence were criminalized with greater specificity (Abbasi, 2018). Nevertheless, a comparative assessment indicates that full alignment between the *Ta'zirat Bill* and Convention requirements has not yet been achieved. The Merida Convention places particular emphasis on institutional prevention, financial transparency, asset declarations by officials, and protection of whistleblowers; by contrast, Iran's criminal system has focused primarily on punishment after the offense, with less attention to preventive and protective dimensions (Davoodi et al., 2020).

C) Accession and Implementation of Obligations in Both Countries

Both Iran and Afghanistan are Parties to the Merida Convention. Iran joined in 2008 through approval by the Islamic Consultative Assembly and confirmation by the Guardian Council, obliging the government to reform relevant laws. Afghanistan acceded in 2008 as well; subsequently, broader criminal-law reforms were undertaken, culminating in the drafting of the *Penal Code* (2017) directly inspired by the Convention (Fakouri, 2022). In formal legislative terms, Afghanistan has moved closer to UNCAC's requirements; however, institutional weakness, political instability, and limited implementation capacity have impeded full realization of the Convention's aims (Nabi Sharifi, 2019). By contrast, while Iran maintains multiple oversight bodies (e.g., the General Inspection Organization, the Supreme Audit Court, and the Anti-Corruption Coordination Headquarters), fragmentation and overlap among these institutions have reduced the effectiveness of UNCAC implementation (Mousavifard & Shamsizadeh, 2021).

D) Implementation Challenges in Both Countries

The full implementation of the Merida Convention in Iran and Afghanistan faces shared obstacles.

First, operational and structural constraints—including weak financial transparency, limited public access to information, and oversight bodies’ dependence on the executive—reduce the effectiveness of anti-corruption policies (Davoodi et al., 2020).

Second, insufficient international cooperation—particularly regarding the extradition of offenders and the recovery of illicit assets—weakens the Convention’s enforcement. In both countries, the absence of robust judicial-coordination mechanisms with other states hinders implementation of Chapters IV and V (United Nations, 2019).

Third, legal ambiguities in asset recovery and extradition—especially where the counterparty is a foreign state or the offender has dual nationality—pose serious challenges in both systems (United Nations, 2019).

A comparative review shows that the Merida Convention has profoundly shaped anti-corruption criminal policy in Iran and Afghanistan. Both states have taken significant steps in criminalizing behaviors detrimental to administrative integrity and in enacting related legislation; however, shortcomings in implementing international obligations, institutional weakness, and a predominantly punitive approach have prevented full attainment of the Convention’s objectives. Genuine administrative integrity requires that governments, in addition to reforming criminal laws, give more serious attention to UNCAC’s non-penal obligations—including prevention, transparency, and international cooperation (United Nations, 2003, 2019).

7. Challenges and Obstacles to Achieving Administrative Integrity in Iran and Afghanistan

Achieving administrative integrity requires transparent governance, accountable institutions, and an organizational culture committed to the rule of law. Despite extensive efforts in Iran and Afghanistan to reform laws and build institutions in this domain, the results indicate that structural, institutional, and cultural barriers still impede the realization of a healthy and efficient administrative system. A comparative assessment reveals both shared and country-specific dimensions of these challenges.

A) Common Obstacles: Weak Transparency, Limited Judicial Independence, and a Culture of Silence toward Corruption

One common obstacle in both countries is weak administrative and financial transparency. In Iran, despite the *Law on Access to Information* (2009), many agencies refrain from full implementation, and fiscal data and government contracts remain classified (Davoodi et al., 2020). In Afghanistan, despite a similar law (2015), limited public access to information and the absence of effective electronic systems have fostered corruption (Nabi Sharifi, 2019). The lack of transparency weakens social oversight and increases opportunities for rent-seeking and abuse.

A second shared obstacle is limited independence of judicial and oversight institutions. In both countries, inspection and judicial bodies are influenced to some extent by political will. In Iran, organizations such as the General Inspection Organization and the Supreme Audit Court have supervisory roles but not full independence from the executive. In Afghanistan, the judiciary and the High Office of Oversight and Anti-Corruption, due to political interference and insecurity, cannot enforce laws effectively (Fakouri, 2022; Hosseini, 2019).

A third obstacle is the culture of silence or “administrative forbearance” toward corruption. Where corruption has become normalized, citizens and employees show little inclination to report it. The lack of legal protections for whistleblowers in both countries perpetuates this cycle (United Nations, 2019).

B) Iran-Specific Obstacles: Complex Administrative Structure, Institutional Overlaps, and Weak Public Oversight

In Iran, a principal barrier is the complexity of the administrative structure and the multiplicity of parallel bodies. The existence of numerous organizations and councils in the anti-corruption arena—such as the Anti-Corruption Coordination Headquarters, the General Inspection Organization, the Supreme Audit Court, and judicial supervisory entities—has led to overlapping mandates and resource inefficiency (Mousavifard & Shamsizadeh, 2021). The absence of clear task division reduces supervisory effectiveness and weakens accountability.

Additionally, weak public oversight of governmental performance is a significant impediment. Although UNCAC and the *Law on Promoting Administrative Health* emphasize civil society’s role, practical mechanisms for public participation in oversight remain limited. Media and civil organizations also face legal and political constraints that hinder effective pursuit of corruption cases (Davoodi et al., 2020).

C) Afghanistan-Specific Obstacles: Political Instability, Systemic Corruption, and Weak Oversight Infrastructure

In Afghanistan, political instability and frequent governmental changes are the greatest barriers to institutionalizing administrative integrity. Rapid shifts in governmental structure obstruct the continuity of anti-corruption reforms. Moreover, systemic corruption at high levels of power erodes public trust and undermines governmental legitimacy (Hosseini, 2019). Many public positions are awarded through personal or tribal connections, threatening administrative integrity from within.

In addition, weak oversight and technical infrastructure—such as the absence of electronic systems for procurement, recruitment, and financial reporting—facilitates opacity and widespread violations. A shortage of specialized human resources within oversight bodies further complicates effective enforcement (Kheirandish & Jafariniya, 2019).

D) Social and Economic Consequences of Corruption for Governance

Administrative corruption and weak integrity produce far-reaching governance consequences in both countries. Socially, corruption undermines public trust and heightens perceptions of injustice. In Iran, the gap between citizens and executive institutions—and in Afghanistan, the declining legitimacy of the central government—are direct outcomes. Economically, corruption wastes public resources, reduces domestic and foreign investment, and increases administrative costs (Baquerzadeh et al., 2024). Ultimately, the persistence of this condition jeopardizes sustainable development and social justice.

A comparative perspective indicates that although Iran and Afghanistan have made important legal strides against corruption, the realization of administrative integrity depends less on legal texts and more on political will, institutional independence, and a culture of accountability. Unless structural transparency, judicial independence, and public oversight are strengthened, administrative integrity in both countries will remain an aspiration rather than an operational reality (Davoodi et al., 2020; United Nations, 2019).

8. Conclusion

A comparative analysis of crimes against administrative integrity in Iran and Afghanistan reveals that despite their historical and jurisprudential commonalities, both nations face similar challenges in achieving administrative integrity. Although legislative progress has been made toward alignment with the Merida Convention, weaknesses in oversight, institutional overlap, and lack of enforcement have hindered the realization of its objectives. In Iran, fragmented regulations such as the *Islamic Penal Code*, the *Law on Intensifying Punishment for Perpetrators of Bribery, Embezzlement, and Fraud*, and the *Ta'zirat Bill* address most administrative crimes. However, contradictions among provisions, conceptual ambiguities, and the omission of critical offenses—such as bribery of foreign officials, illicit enrichment, and crimes against judicial integrity—have created inconsistencies with the Merida Convention. In Afghanistan, despite the enactment of the *Penal Code* (2017) and the *Law on Combating Administrative Corruption* (2018), weak judicial institutions and political influence have hindered effective enforcement. Thus, administrative integrity in both countries suffers less from legislative gaps than from the absence of independent institutions and a culture of accountability.

Alignment with the Merida Convention represents a dual necessity for both countries: first, as an international commitment to combat corruption; and second, as an internal necessity to strengthen public trust and transparent governance. Implementing the Convention's principles—particularly the criminalization of illicit enrichment, protection of whistleblowers, and assurance of judicial independence—could reinforce the foundations of administrative integrity. The experience of successful states demonstrates that without transparency, independent oversight, and political will, anti-corruption laws cannot function effectively.

Recommendations

1. **Reform and Harmonization of the Ta'zirat Bill:** Revising the *Ta'zirat Bill* to clarify definitions and eliminate contradictions is essential. It is recommended that unaddressed categories in the Merida Convention—such as bribery of foreign officials and illicit enrichment—be explicitly incorporated into domestic legislation. Introducing proportionate penalties and corporate criminal liability would further enhance the bill's effectiveness.
2. **Strengthening Independent Oversight Institutions:** Administrative integrity is unattainable without effective oversight. The independence of bodies such as the General Inspection Organization, the Supreme Audit Court, and similar agencies from the executive branch and political influence must be guaranteed. Establishing an independent

National Anti-Corruption Commission with investigative authority over major crimes and incorporating digital oversight technologies would promote transparency and accountability.

3. **Decriminalization of Minor Offenses and Focus on Major Crimes:** To improve the effectiveness of criminal policy, minor or low-impact administrative offenses should be decriminalized. Concentrating judicial and institutional efforts on large-scale corruption cases—such as systemic bribery, grand embezzlement, and collusion—would optimize resources and enhance deterrence.
4. **Enhancement of Administrative Education and Professional Ethics:** Institutionalizing administrative integrity requires raising awareness among employees and managers about transparency, accountability, and conflict-of-interest principles. Continuous professional ethics training and the promotion of Islamic and ethical values—together with incentive systems for honest and law-abiding employees—can serve as effective preventive measures against corruption.
5. **Expansion of Information Transparency and Protection of Whistleblowers:** Developing digital platforms for transparent publication of government contracts and transactions, ensuring public access to financial data, and providing legal protection for whistleblowers are among the most critical steps toward effective implementation of the Merida Convention. Enacting comprehensive whistleblower protection legislation and guaranteeing immunity would foster citizen participation in social oversight.

The realization of administrative integrity in Iran and Afghanistan requires simultaneous reforms across three domains: legislation, institution-building, and cultural transformation. Revising the *Ta'zirat Bill* in line with Merida principles, strengthening independent oversight institutions, prioritizing major corruption cases, promoting administrative ethics, and ensuring transparency constitute foundational measures for reducing corruption and improving governance efficiency. Administrative integrity is not merely a legal goal but a necessity for sustainable development and governmental legitimacy. Implementing these reforms is essential for transitioning from formal legality to transparent, justice-oriented governance in both nations.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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