

# The Hermeneutic View of Transparency Against Major Bottlenecks of Corruption in Iran's Legal System

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## ABSTRACT

In today's world, due to the multiple channels of communication and the existence of numerous governmental and non-governmental organisations and institutions, sometimes by avoiding the law or taking advantage of the loopholes and shortcomings of the laws and regulations, communication is used to achieve illegitimate and illegal goals and in line with They are used to gain personal benefit (sometimes against public benefit) and ultimately to spread corruption; It is in this direction that investigating the said channels and major bottlenecks of corruption is of the first importance.

Transparency is one of the main foundations of democratic and anti-corruption governance, including the political rights of citizens in modern policy-making, which results in the free circulation of information in the economic, social, political and cultural fields. Creating transparency in the executive and government bodies is also one of the most important and basic solutions that can be used to prevent and fight corruption. Considering that the lack of transparency in the administrative institutions weakens public participation and hinders the realization of people's sovereignty and the occurrence of complex and large-scale financial corruption and as a result imposes unfavourable economic conditions and social problems on the citizens, the issue of war Arranging transparency against the major bottlenecks of corruption through the channel of library studies and the use of qualitative data and the description and criticism and interpretation of laws and regulations and the analysis of the major bottlenecks of corruption is the opinion of the authors of this research.

## **1. Introduction**

One of the most important issues that are an obstacle to the creation of transparency in the three powers is corruption and the factors that create it, which, to protect their interests, prevent the creation of widespread transparency in the executive bodies. In the war against corruption to block the bottlenecks of corruption, first of all, the roots and factors that cause corruption should be investigated and dealt with as much as possible, and the primary motivations for creating corruption should be eliminated. A process that is considered to be the prevention of corruption. The necessity of dealing with the issue of transparency and creating it in the executive bodies is because the lack of transparency weakens public participation and the emergence of people's sovereignty, and the emergence of complex and large-scale financial corruption, and as a result, imposes unfavourable economic conditions and social problems on the public. It has become the people. The first link to any action against corruption and violation is awareness. Nevertheless, effective and fruitful action is rarely observed in the direction of eradicating channels of corruption. It seems that the lack of action is sometimes because people who are aware of corruption are the beneficiaries. People who are not among the beneficiaries of corruption do not have sufficient motivation or training to report it. He pointed to the issue of non-governmental organizations' actions, which include people's actions and public education. Among the indicators of good governance in the country, we can consider the transparency of the votes of the members of the parliament, the transparency of the deliberations of the legislative bodies, including the Council of Experts, the Supreme Council of the Cultural Revolution, the Islamic Council, and the Council of Ministers, which contribute to the improvement of the transparency of The way of providing the possibility of people's awareness without discrimination and supervision of public opinion. One of the most important measures to promote public trust and as a result to pave the way for transparency and improve the efficiency of the decision-making system is to increase accountability, prevent corruption, increase public participation, make informed decisions and reduce the distance between the nation and the government. It is not hidden from anyone (Majlis researches, Azar 98). Trust building is created by reforming processes, institutions, technologies, and cultures, fighting corruption, creating transparency and stabilizing the political and economic system, and each of the three powers can fulfil their missions. Be effective in building trust and fighting corruption. Among their actions can be:

- The role of representation in reducing corruption and creating transparency (which includes the role of representatives as a model of people's behaviour, transparency in declaring assets, interests and gifts, travel expenses of representatives, and observing the principle of prohibition of combining jobs, etc.).
- The supervisory role of the legislature in reducing corruption and creating transparency (which is done through investigations, questions from ministers and the president, the 90th Principal Commission, the Court of Accounts, and the Board of Review and Appropriation of Government Approvals).
- The legislative role of the legislature in reducing corruption and creating transparency (which includes the requirement of transparency rules in the government and quasi-government sector, lack of complexity and ambiguity in laws, approval of criminal laws and annual budget laws, etc.). (Researches of Majlis, August 1401) The level that is described in the following article is an opinion.

But why is the government's role in fighting corruption important? First, based on the constitution, many executive powers, which are naturally the bottlenecks of corruption, are in the hands of the government, and for this reason, more corruption situations are created for the government. On the other hand, despite the huge powers and budget that the government has at its disposal, there are more grounds for creating corruption in the government, but other forces, although they have the grounds for corruption, their ability to corruption is not the same as the government, so naturally, for the discussion of corruption like the government It is more

important than other sectors. While the government is at the forefront of committing and dealing with corruption, the function of the judiciary in the issue of dealing with corruption is preventive. In other words, the work of fighting corruption in the judiciary should mainly focus on structured and preventive action, and the government should monitor executive actions reform corrupt procedures block bottlenecks, and finally, fight against the main channels of corruption.

### **Questions:**

What is the most important effective factor in identifying corrupt platforms in executive bodies?

What solutions can be used to institutionalize transparency in the three forces?

What is the effect of the awareness of the people of a society and civil supervision in creating broad transparency in the ruling system of that country?

To what extent can the issue of national security and confidential documents of the officials be an obstacle to transparency and what is the way to deal with it?

research method:

The upcoming research is done with the approach of qualitative content analysis and criticism and analysis of laws and regulations and institutions and review of sources related to transparency and corrupt channels research data is collected through library studies to provide implementation solutions, and It has been categorized. This research is classified as applied research in terms of how to use the results.

Research background:

In this regard, the works of (Mohammed Javad Javed, Ismat Shah-Moradi), (Maryam Hadi-pour, 1400), (Motahari, 1371), (Silversmith, 1390), (Javid Shah-Moradi), (Sheikh Al-Islami, Goharipour) Fard) overseeing the examination of the content of corruption as a structural problem based on society's culture, the necessity of promoting spirituality in the face of corruption, preventing concealment and increasing people's awareness and its destructive effect on developing societies compared to developed societies. It is important, despite this, that the current research, while examining the main channels of corruption, has made it possible to provide practical and efficient solutions.

### **The first topic: theoretical foundations**

#### **The first speech: the roots and consequences of corruption**

Corruption is a complex phenomenon that has different definitions and meanings, and these definitions are formed based on the culture and value system of each society so that in each society, a person is considered corrupt whose behaviour is unacceptable and against the culture and Accepted values of that society, which itself is a violation of moral and legal norms in administrative and organizational performance. Today, financial corruption has become a social problem, especially in developing countries, which is considered one of the important factors in their progress (Hadipour, Maryam, 1400). Corruption can be seen as the abuse of a position to gain individual, group and factional benefits, without the authorities or officials answering or making their negotiations and decisions public and explicitly and legally including the people during the decision-making process. put their

Transparency is also one of the main foundations of democracy and republic and is associated with the "right to know" its important results are transparency, improving the quality of decisions made, increasing the members of the decision-making circle, reducing corruption and abuse of position to gain It is the individual or factional interests and informing the people of the decision-making processes and has been of special importance as a basic and important principle for the general management of the society and ruling over the people, and also in the social sciences, transparency as a tool. It is said to be powerful for achieving desirable goals such as strengthening the accountability of the government and reducing corruption. Increasing transparency in government organizations and institutions will increase the level of people's trust and public participation, strengthen the legitimacy of the ruling system, and the acceptability of

government institutions among the members of society and lay the foundation for the formation of social capital. With the entry into the new millennium, due to the increasing attention of the government and government institutions in meeting the needs of people in society, and at the same time as the level of awareness of citizens about citizenship rights increases, we are witnessing the growth of public expectations, especially regarding the promotion of transparency.

The second speech: Transparency

Transparency in the word refers to a situation that makes it easy to understand (Oxford dictionary. 2011. p1632). In other words, the definition given of transparency is the obligation to provide and the right to receive information by the rulers for the citizens. In the definition of economic transparency, the World Bank offers the following definition: Transparency means an increase in the flow of economic, social and political information. Lack of transparency is a situation where a person, whether a government minister or a public institution, a company or a bank, intentionally prevents access to information provides false information or fails to guarantee the quality of the information provided. Transparency can be seen as a method that binds the government to provide the information needed by the people and to facilitate the channels of public awareness, away from secrecy.

Transparency and disclosure are one of the foundations of democracy and republic, and on the other hand, the "right to know" is one of the basic human rights, which is emphasized in principle 19 of the Declaration of Human Rights, and all countries, including Iran, have it. accepted Explaining the phenomenon of transparency faces a series of complexities, and with the understanding of the existence of transparency in all areas of governance, especially in executive bodies, when transparency is supposed to be created in different areas, there is a difference. Various opinions and obstacles are created in this field, which shows the difficult implementation of this phenomenon in the social arena. When transparency is discussed, the intention is that citizens become aware of the government's performance through objective observation and that government officials act transparently in doing public work. A government that is not transparent is more prone to corruption and undue influence because there is no public supervision of its decisions (Sheikh al-Islami, Gohari Porfard, 2012).

Transparency by creating proper infrastructure can be useful and can be effective in reaching correct and timely information to the audience. Transparency causes the cost of committing a crime to rise and exposes a person to public judgment, which itself can be one of the solutions to prevent corruption and destroy the corrupting platforms that society needs, and to establish its other benefits as well. Justice is the prevention of unfair discrimination and lack of meritocracy, and in a way, it can be said that transparency is the missing link of governance in third-world countries. By default, public information should be available to the public, because it is considered the right of the people to know them, and their access to clear and clear information as much as possible, which makes the political leaders of those societies accountable to the nation It follows that its purpose is to protect transparency within the government, to prevent and fight corruption. In Iran, the principle of political and social transparency is implemented relatively in informing the government's plans and goals for the people. However, the principle of economic transparency is practically not implemented. The religion of Islam, from the very beginning of its formation, has repeatedly reminded the importance of the principle of transparency in terms of human dignity and the provision of a democratic society in Islamic texts, Quran, Hadith, and in the history of religious leaders.

### **The third speech: transparency in the executive branch**

The right of access to information is officially accepted in many countries and included in their executive laws, and sometimes this right is considered so obvious that there is no need to mention it in the laws, but it accepts exceptions such as observing national interests, but this way Exceptions should be interpreted in such a way as not to lead to encroachment on civil rights. Transparency is a central issue in the macro-discussions of democratic governments and the reform of the public will, as far as free access to information and openness are considered to be a

precondition for fighting corruption and strengthening the accountability of public authorities (Majlis and Research Quarterly, 1381).

The main actors of the country's governance system have multiple and comprehensive functions and responsibilities, whose transparency helps to protect public rights in the society, and their lack of transparency weakens public participation and the emergence of people's sovereignty, so the meaning of transparency In this system, paying attention to the performance of government officials and officials and clarifying the rules that create rights and obligations for citizens under the titles of regulations or circulars. The disclosure of the state of assets and the announcement of the private jobs and activities of high-ranking officials in many countries are done periodically before and after assuming office, and there is also the possibility of public access to the information and the establishment of laws in This will prevent a person from engaging in any type of activity that harms the proper performance of public duties and responsibilities and avoid earning illegal income. In the legal system of the Islamic Republic of Iran, Article 142 provides the following provision: "The assets of the leader, president, vice presidents, ministers and their spouses and children before and after their service shall be examined by the judiciary, which has not been increased unlawfully." be."

#### **The fourth speech: transparency in the legislature**

The legislative role of the legislature in reducing corruption and creating transparency includes comprehensiveness and completeness of laws, lack of complexity and ambiguity in the process of approving and revising laws and regulations and the text of laws. The legislative branch includes the Islamic Council, the Court of Audit and all related organizations and institutions that are subject to the transparency law, and the budgeting process is very important in it, as the role of representation of this branch in reducing corruption. which includes: the role of representatives as a model of people's behaviour, transparency in the declaration of assets and compliance with the principle of prohibiting the collection of businesses, and there are legal gaps in these cases. In line with this principle, the parliament has proposed many times different drafts and provisions of bills related to the declaration of assets of the officials, and the latest resolution was related to the plan to deal with the assets of the officials, officials and agents of the Islamic Republic of Iran system, which, with the objection of the Guardian Council's constitution, It was faced, but in 1991, at the insistence of the parliament, it was sent to the Expediency Council and finally it was approved in November 1994. In Article 2 of this law, to increase public trust and promote administrative health, the circle of officials mentioned in Article 142 was expanded against the interpretation of the Guardian Council and extended from 1st level officials to 3rd level officials, but surprisingly and in an action contrary to the transparency of Article 5 This law considered the list of the assets of the subject persons as well as the documents and information related to them to be confidential and stipulated that: if any of the officials and employees knowingly and intentionally commits the disclosure or publication of the contents of these documents, or if they are made available to others outside the scope of their administrative duties give or somehow inform others about their contents, will be sentenced to one of the 6th-degree punishments stipulated in Article 19 of the Islamic Penal Code approved in 2012.

Considering that the legislature is a group consisting of the Majlis, the Guardian Council and the Expediency Council, it is the legislature that, with a special interpretation of Article 142 and the inclusion of the confidentiality of the list of officials' assets in Article 5 of the final text The law has not provided the necessary legal bases for the transparency of the officials' assets, and we can only expect the correct implementation of the law from the executive branch.

#### **The fifth speech: transparency in the judiciary**

Nowadays, access to the judgments of the courts to review the judicial process has become an important principle in creating judicial transparency and dealing with injustice, and this is a common thing in many countries. There are ways to access judicial information, especially in criminal courts. One of the primary goals of the Islamic Revolution was to achieve justice at all levels of society, which of course without the spirituality of its people, especially those

responsible for the issuance and execution of judicial rulings, waiting for the implementation of justice is a futile expectation because if social justice is not established in a society, the foundation Spirituality will also be shaken (Motahari, 1371). When the desire for power is combined with the concentration of power, it increases the possibility of corruption, and it is possible that when the case of some officials goes to the court for trial, some will try to prevent the judiciary from handling it, and with the issue of Violators of human rights should be punished, the reason for which is the organized effort for corruption, which is useful for their goals, and if the supervisory institutions refuse to perform their duties in this capacity, these organized groups will grow and to some extent go forward that the judiciary is at the top of the target of corruption, so it can be concluded that the most important centre for creating health and transparency in the society is the judiciary, and if this branch is healthy, the forces of corruption in other branches They will have more fear (Javid, Shah Moradi, 2014).

### **The second issue: corruption**

Corruption can be defined from various perspectives, but in public spheres, it refers to the abuse of position to secure benefits, which includes embezzlement, accepting bribes from officials or taking commissions in purchases, performing formalities in government services, giving projects to unqualified contractors, and meritocracy. In the removal and installation of positions and formal contracts or any arrangement that does not include the envy of the treasury and implies the failure of the law. From another point of view, corruption can be seen as an evil that affects all societies to some extent, and depending on the fragility of those societies, the damage and severity of suffocation will be more or less on that society, and based on the regulations applied in each society, The type, intensity and incidence of corruption will be different, on the other hand, corruption can be seen as violating the existing laws to secure personal interests and profits of individuals. According to Machiavelli, the Italian political philosopher, poet and historian, corruption is a process during which the moral standards of weak people and the virtue of their piety are destroyed, and since people become weak and devoid of piety and piety, they are more exposed to the field of corruption. they get, it is necessary to prevent this problem by controlling these people, guiding intellectual leaders and helping supervisory bodies.

The types of corruption can be classified as follows: political corruption (high-ranking officials), administrative corruption (bureaucracy), corruption in purchases and contracts, discrimination (the almost everyday behaviour of most corrupt people in favour of their relatives, Kishan or fellow locals), genealogy is a special form of discrimination in which the responsible person prefers his family members and relatives over others, and many of these people try to justify their uncertain position and power by assigning family members in key political, economic, etc. positions), bribery, ethnocentrism, embezzlement, fraud, partying, extortion, rent-seeking (Department of Economic Studies, May 2016)

### **The first speech: Factors affecting corruption**

\*Legal frameworks and complex and ambiguous regulations, even though they are made to shape relationships between people, are the cause of corruption, also some administrative bureaucratic structures intensify these regulations and are an important factor for companies to exit from It is the official sector of the economy that aims to escape from strict regulations (Cherahi, Zahra, Master of Executive Management)

\* The most important factor in the occurrence of corruption is the cultural and ideological roots in that society, the higher the level of public morality, the higher the psychological and moral costs of corruption, on the other hand, the higher the level of employee morality in the workplace, the risk Discovery and its prestige costs increase and the shame of the perpetrators of corruption increases

\*Economic recession, decrease in incomes, excessive inflation, decrease in people's purchasing power, economic instability, and improper distribution of incomes in society are important factors that lead to the occurrence of financial corruption and administrative violations.

\* The lack of independence of judges and the judiciary and the influence of the executive branch

on it and the supervisory and inspection bodies, the corruption of high-ranking politicians, the recommendation to keep delinquent managers unpunished, and the lack of people's awareness of their political rights before the law are among the factors. Facilitates violations

\*Inefficient administrative structures and organizations, multiplicity of directives and regulations, ineffective managers, lack of meritocracy system, preference of group goals to organizational goals, and inadequacy in salary and wage system are some of the administrative factors that facilitate these violations.

### **The second speech: strategies to prevent corruption**

"The right to know" is one of the fundamental rights of human beings and it assumes that humans are rational beings with the power of judgment and can determine their own merits, and as a result, they have the right to choose from various decisions made by fate. It has its connection, informed and any kind of guarded and secretive behaviour negates this principle, and in general, it can be said that making issues public makes people, groups and government institutions always worry about their decisions because they are constantly subject to judgment. Now the question that arises is, how did he fight corruption? The more clear and easy the access to correct information is, the more the possibility of making informed decisions and being accountable about how to acquire and consume benefits, which is the legal goal of the principle of transparency, in the private and public sectors. In other words, the right to access information for citizens should be respected. In recent decades, most countries have officially accepted the right to access information, although in many countries, including Iran, the laws have not explicitly mentioned this right, it is implied in various laws, on the other hand, there are some cases. Has that the right to access information is so clear that there is no need to establish laws, a clear example of this is the activities of the legislative assembly in the area of law approval. Another solution is that the presence of supervisory institutions should be outside or independent from the institutions under supervision because if this supervision is to be carried out by the ruling power itself, it will lead to unreasonable monopoly and impartial transparency to governmental transparency. It transforms and there is no guarantee of the outputs of this evaluation system (Goharipour Fard, Shaykh al-Islami, 2012)

### **The third speech: Anti-corruption strategies**

One of the main causes of corruption and administrative crimes is the conflict of interest, which is a set of conditions that cause professional actions to be influenced by personal or organizational interests, or in other words, the preference of personal or organizational interests over interests. National. To solve this issue, the conflict of interests must be managed and financial irregularities and non-optimal budget allocations, which are effective in strengthening criminal activities and creating a platform for violations and misperceptions of public interests, should be reduced. and based on existing legal capacities, transparency should be improved and reports should be provided for budget allocation to prevent financial deviations in spending public benefits. To realize the goals of transparency and fight against corruption, various ways have been thought of, which are as follows:

\* Guaranteeing the right of access to information for citizens, which can have controversial exceptions, one of them is the cases that are related to the national interests of the countries, and it seems that the cases of conflict with the national interests must be clearly defined. so that this broad concept is not misused to limit the rights of citizens

\* Improving the effectiveness of the judiciary in preventing and fighting corruption

\* Management of conflicts of interest, promotion of government financial discipline and prevention of non-optimal allocation of resources

\* Sanitizing economic activities

\* Institutionalizing the culture of health transparency and administrative justice

\* Enhancing the role of civil and public institutions in preventing and fighting corruption.

The fourth speech: Factors affecting financial corruption as an issue affecting most societies

Factors affecting the development of corruption from the point of view of the international

organization of the United Nations Development Program:

- \* The concentration of power in the executive branch and the lack of an effective balance system (separation of inefficient powers)
- \*Lack of transparency in the field of executive decisions along with limited access to information
- \* The manipulated legal system that gives unlimited permission to officials to make arbitrary decisions
- \* Lack of forecasting and implementation system
- \*Soft social control system and a high tolerance for corrupt social activities.

The existence and spread of administrative and economic corruption is one of the problems that most developing countries and societies suffer from more than developed countries (Sheikh al-Islami, Gohari Porfard, 2013). The factors that lead to the occurrence of corruption can be stated as follows: the spread of poverty and inequality in society makes people vulnerable to corruption, in this case, people who feel discriminated against If they hold office in the administrative or political field, they will be tempted to enter into corruption. Almost all people in society are on the verge of entering corruption, or in colloquial language, all people have a price for crossing society's values, and it is the economic conditions and the political and social structure that can make people at the cost of breaking their norms. slow down Without a doubt, there are people whose threshold to breaking norms and corruption in society is infinite, and their number is limited, and the ruling system of every society must prevent people from reaching the threshold of corruption.

### **The fifth speech: the main bottlenecks of corruption**

There are several main bottlenecks to fight corruption: The first bottleneck that facilitates corruption is inefficient regulations such as golden signatures, discriminatory regulations, nationalization of affairs, and non-tariff import and export bans, all of which originate from They are corruption and should be minimized. The second source of corruption is corruption, the way to deal with it is to defend the maximum transparency and freedom of the media, the right to access information and independent courts to deal with different people. It seems that official and unofficial supervision should be increased so that everyone can monitor corrupt behaviour, at this stage we are facing several types of supervision: civil supervision that is done through the media and civil institutions. The internal supervision of the organization is carried out through the inspection and protection department and administration. Judicial supervision takes place through the judicial system. The third bottleneck, which is more important than the previous two, is that any corruption that occurs in the administrative system must eventually show itself in the wealth of individuals. If the information about the wealth of the officials (the wealth of themselves and their families and their government receipts) is recognized as a public right, the most important bottleneck of corruption will be monitored, which in recent years has seen the prevention of some officials of the Islamic Republic of Iran from expressing and They have clarified their wealth and that of their relatives, before, after and during their responsibilities, and this can show the ineffectiveness of the supervisory institutions in the three powers

### **The first part: Uncertainty of employment status**

In Iran, the issue of entry into service and employment has been considered in the form of the sixth and seventh chapters of the Civil Service Management Law, and in general, issues such as the Civil Service Management Law, organizing the way of recruitment and communication of employees with the government, as well as the realization of employment justice and merit He has put forward selection as his main goals. In the teachings of the Islamic religion, there are many verses and narrations regarding examples of equality, justice and merit selection, which the legislator must pay attention to in drafting the provisions of the seasons of entry into service and employment in the Civil Service Management Law. This issue has also been examined in the constitution:

- \*Paragraph 9 of the third principle: eliminating unfair discrimination and creating fair



opportunities for everyone, in all material and spiritual fields.

\* The 19th principle: The people of Iran, regardless of their ethnicity or tribe, have equal rights, and colour, race, language, etc. will not be a reason for the privilege.

\* The 20th principle: All the people of the nation, whether male or female, are equally protected by the law and enjoy all political, economic, social and cultural human rights by the standards of Islam. General policies that can create transparency in the field of employment status and general policies of the administrative system and minimize the creation of corruption in this field:

\* Central justice in recruitment, continuity of service and promotion of human resources

\*Improving the criteria and updating the methods of selecting human resources to attract capable, committed and competent human resources and avoid narrow-mindedness and unprofessional tasteful attitudes.

\* Scientific orientation and meritocracy based on Islamic ethics in the installation and promotion of managers

\* Centered justice, transparency and modernity in setting and revising administrative rules and regulations

\* Setting the stage for attracting and using people's capacities in the administrative system (Fattah, Sharifzadeh).

In the end, it can be concluded that to prevent corruption in the field of government employment, the conditions of recruiting and holding jobs should be without connections, and it is important that the recruitment of human resources with the necessary and related skills also works. It is effective.

#### Part II: Inadequacy of Job Financial Benefits

One of the most important elements of the stability and stability of an organization is the job satisfaction of its employees. Job satisfaction expresses the general attitude of a person towards his job, which is one of the effective elements in improving the quality level of care and increasing productivity. Employment and administrative-financial laws are some of the most important and main laws affecting the performance and management methods of human resources managers, as well as regulations affecting the administration of organizational justice and the optimal performance of employees. The Civil Service Management Law, the latest evolution of Iran's employment and administrative laws and regulations, was approved by the legislature in Mehr 1386 and was put into effect on 01/01/2018 through circulars issued by the Vice President of Development and Human Capital of the country's executive body. This law was implemented to meet the basic needs of employees' lives through salaries establish a relationship between performance and benefits and ultimately increase their job satisfaction, reduce the problems of employees of government organizations and lead to an increase in the motivation of human resources. (Sharifzadeh, Fattah). However, according to some researchers legal experts and experts in administrative and employment systems, the Civil Service Management Law contains some contradictions, ambiguities and flaws, which are as follows:

\* The salaries of the employees of the executive bodies subject to Article 5 of this law, including official, contract, and labour, are paid according to one of the following laws:

A) Civil service management law approved in 2016

b) The law on the coordinated payment system of government employees approved in 1370

c) Special rules

d) Labor and social security law

Therefore, due to the multitude of employment laws and salary payment systems in the country, the existence of differences in the salaries and benefits of the employees of the executive bodies and as a result the lack of balance in the number of salaries and benefits is considered a natural thing, of course, because in Article 76 of the law The administration of the state service, which has been approved by the Islamic Council, the minimum and maximum salaries and benefits of "continuous" employees, retirees and pensioners covered by the above-mentioned laws, is approved every year with the proposal of the country's management and planning organization. The cabinet arrives. Therefore, the increase in the income of some managers over the maximum may be due to their "non-continuous" incomes, because according to Article 76 of the mentioned

law, a limit of seven times the minimum salary is prescribed only for the "continuous" benefits of the employees, and the Council of Ministers in There is no legal limit on determining the amount of non-continuous benefits. However, this legal vacuum (right or wrong) may be one of the reasons for receiving the so-called astronomical salaries of some managers.

\*Plurality of decision-making centres regarding rights and benefits: Another hole that harms the balance of rights and benefits and creates unfair and unjust rights is the existence of multiple decision-making centres regarding rights and benefits, and with this definition, the existence The difference in the maximum and the inability to carry out supervision is a natural thing (Rostami, Mohammad Hossein, 2015).

The third issue: Actions of government organizations in preventing corruption in Iran

Corruption is an anti-value phenomenon and disrupts the correct flow of the rule of law, so preventing it comprehensively is an undeniable necessity for governments, and fighting it is directly related to gaining the legitimacy of political systems. In most countries of the world, one of the tools to prevent and fight corruption is to monitor the property and assets of public officials. One of the main causes of corruption and administrative crimes is the conflict of interest, which is a set of conditions that cause professional actions to be influenced by personal or organizational interests, or in other words, the preference of personal or organizational interests over interests. National. To solve this issue, the conflict of interests must be managed and financial irregularities and non-optimal budget allocations, which are effective in strengthening criminal activities and creating a platform for violations and misperceptions of public interests, should be reduced. and based on existing legal capacities, transparency should be improved and reports should be provided for budget allocation to prevent financial deviations in spending public benefits. In examining the relationship between corruption control and good governance, we conclude that as much as governance is improved, corruption is also controlled and administrative health increases. In other words, corruption control has a direct relationship with good governance.

Some indicators that affect administrative corruption:

\*Political rights and civil liberties: There is a correlation between political rights (the right to democratic elections, legislative power, opposition parties) and civil liberties (free and independent mass media, freedom of speech and assembly) and corruption.

\* The right to express opinions and participation: policymaking and implementation of large government projects should be done by taking into account the opinions of the stakeholders and the participation of all the stakeholders because the survey of citizens whose feedback is included in many Countries around the world have helped improve the performance of the public sector and reduce corruption

\*Transparency and public supervision: transparency and timely and reliable flow of economic, social and political information about private investors' use of loans and credit values of borrowers, government services, financial policies and money and activities of international institutions (Cherahi, Zahra, Master of Executive Management)

\*Competition and free entry and exit: One of the sources of corruption in governments, especially at senior management levels, is the concentration of power in the hands of people who use their political influence in the government for personal gain. To solve this issue, demonopoly, de-regulation, facilitating competition and entering and exiting through liquidation of assets and efficient procedures are suitable solutions.

### **The first speech: institutions of the executive branch**

The fight against corruption in the set of government forces requires proper coordination and prioritization, although the role of the government is very important because many times the bottleneck of budget allocation and setting priorities is with the government to achieve the progress of the work sooner, but this is not in this sense at all. It is not that the role of other forces is not important. Examining the experience of the world about the issue of fighting corruption shows that the successful countries in this regard have been the countries where the

executive branch has been at the top of the work and, in other words, in the middle of the field. In this regard, I will mention two examples. One is the action of David Cameron, the Prime Minister of England, regarding the issue of transparency, which he did a great deal with this issue. Also, in the 1960s, the President of the United States, John F. Kennedy, wrote a detailed message to Congress, where it was announced for the first time that our policy has changed to fight corruption, and in this regard, we are going from a hard policy to a soft policy. We do prevention and in fact, John F. Kennedy raised the issue of conflict of interest there for the first time that we want to seriously fight against conflict of interest. Therefore, in the issue of fighting corruption, the leader, not even the ministers and others, but precisely the president and the head of the judiciary must be justified for this work to proceed, and if they are not justified, any law and policy that the parliament determines and any compulsion that the judiciary imposes It will not be fruitful. The work of fighting corruption in the judiciary is preventive and the work in this sector is more long-term and more structured, but in the government, it is a bit more executive and operational and it is done at a lower cost and faster, but in my opinion, its sustainability will be less because due to It can easily be changed to soft structures by changing governments.

### **The second speech: Legislature institutions**

Regarding the actions of the legislature in the face of corruption, it can be mentioned that the legislation is open. Being public about the legislative duty is one of the important principles that is addressed in Article 69 of the Constitution: the deliberations of the Islamic Council must be public and its full report should be published through the radio and the official newspaper for public information. It can be concluded that the meetings of the Guardian Council should be made public within the framework of the above-mentioned principle and to inform the people about the issues related to their destiny. One of the duties of the Guardian Council is to make its activities completely public. This makes it easy to access the citations and arguments of the Guardian Council.

### **The third discourse: Judiciary institutions**

From the point of view of Islam, it is not only free to express the facts that are beneficial to the human condition, both in the material and spiritual realms, but anyone who has knowledge of the facts and feels the power to express them, and yet remains silent and protects the people from He is responsible for denying those facts. Now, if the government, for various reasons, takes a stand against the corruption of judges and employees of the judicial system in such a way that any kind of corruption is considered as a questioning of the system, this will lead to the creation of restrictions in the fight against corruption and the creation of transparency in this branch. One of the measures to prevent corruption by the judiciary is that: according to Article 165 of the Constitution of the Islamic Republic of Iran, all trials must be held in public and the presence of people is unimpeded unless the court finds that it is against the expediency of the system, public modesty and public order. In private lawsuits, the parties to the lawsuit request that the trial not be public. This principle of the constitution is not implemented in many courts for some reasons, and the judges refuse to implement it. To increase judicial transparency to achieve judicial justice as one of the basic human rights, the following solutions are suggested:

- \* To strengthen the monitoring tools in the judiciary
- \* Necessary measures should be taken to maintain the independence of judges
- \* Responsibility and accountability mechanisms should be defined in the judicial system
- \* The path to reach non-confidential information should be specified
- \* The participation mechanisms of investigating and reporting corruption by the society should be strengthened
- \* Universities should be encouraged to present their opinions at the level of specialized legal journals
- \*To work properly in the fight against judicial corruption, the media should be trained in legal reporting methods so that the reporting of cases, judicial activities and anti-corruption procedures is fair and accurate (Javid, Shah-Moradi, 2014).( .

The fourth topic: The actions of non-governmental organizations in preventing corruption in Iran. Prevention and the fight against corruption seriously require firm support from society and the coordination and participation of citizens. The role of society and non-governmental organizations and their ability to fight corruption is very important. Undoubtedly, when a distance is created between the government and the citizens, the nation loses confidence in the government, and the citizens do not cooperate with the constituent institutions in the fight against corruption and reform and implementation programs of a system, even if healthy people are at the head of the system. and anti-corruption institutions are placed, surely the fight against corruption and its control methods will lead to failure. In democratic systems, the walls between government officials and the people are shortened or reduced to a minimum, and people's participation and support for the government system strengthen the foundations of the system and the legitimacy of the government.

### **The first speech: actions**

Today, people's relationships with each other have become very close in various aspects, and in this relationship, sometimes people commit corruption and violate laws for the sake of more profit. It is clear from the surrounding environment that corruption exists in Iranian society and the best way to eradicate corruption is prevention, and if prevention is not possible, it is suppression and proper implementation of corruption suppression laws, which is an example of these actions of the law. It is basic and common law (Malai, Yasir; Iranian, Amir, p. 1).

### **First part: General education**

Based on the experience of developed countries, by relying on their legal system, they have been able to make maximum use of the general capacity of the society and implement them by presenting "whistleblowing" models and public reports and verifying them, and in a way, the public. They have considered the society as the discoverers of the crime and have even given them very considerable rewards. This method, in addition to reducing the cost and speed of monitoring, by creating the incentive of competition and crowdsourcing, provides public participation in the prevention and fight against corruption. The principle of "whistleblowing" is based on the right of discovery. A person who discovers an economic crime and informs it is given a percentage according to the law, so if he tells a lie, naturally, he will not receive anything materially, and if false reports are presented and Slandering someone will be prosecuted according to the defamation law. In advanced countries, "whistleblowing" has been able to create maximum transparency and they have used the mechanism of people's monitoring of people, and with this monitoring, they have avoided the heavy costs of the monitoring system, and experience has shown that using people's supervision is a very good solution. It is effective.

### **Second part: civil supervision**

Accepting the definition of democracy means government through dialogue, it implies accepting the possibility and necessity of changing individual values in the process of these dialogues. Therefore, considering that the values are created and legitimized through discussion as a social, intellectual and creative action, the activity of civil institutions in the society is necessary. These institutions not only fill the gap between individual values and social values with common themes but in the long term, integrate individual values into group and social values and create the causes of the intellectual order of the society. Moreover, during the debates, the awareness of the people in the society also increases. However, considering the conservatives' criticism of the politicization of social life as a result of the participatory approach of democracy, it seems that there should be a distinction between civil and political associations because political discussions in civil society are The opposite restriction was distinguished. In other words, civil associations should not become a hotbed of political thoughts and discussions by forgetting their goals

(Moradi, Sadegh, 2018).

### **The third part: Request for accountability**

The response should be non-discriminatory in all institutions to the request of the clients and provided that the managers are healthy, following the hierarchy and answering the employees to different management levels can be fruitful.

Research findings:

Transparency is one of the main foundations of democratic and anti-corruption governance, including the political rights of citizens in modern policy-making, which results in the free circulation of information in the economic, social, political and cultural fields. One of the most important issues that hinders the creation of transparency in the three powers is corruption and the factors that create it, which, to protect their interests, prevent the creation of widespread transparency in the executive bodies. One of the main causes of corruption and administrative crimes is the conflict of interests; In fact, the priority of personal or organizational interest over the national interest is one of the main causes of corruption. In democratic systems, the walls between government officials and the people are shortened or reduced to a minimum, and people's participation and support for the government system strengthen the foundations of the system and the legitimacy of the government. Most countries have officially accepted the right of access to information, although in many countries, including Iran, the laws have not explicitly mentioned this right, but it is implied in various laws, on the other hand, there are cases where the right of access The information is so clear that there is no need to establish laws. The first bottleneck that makes corruption easier is ineffective regulations such as golden signatures, discriminatory regulations, governmentization of affairs, and non-tariff import and export bans, all of which are sources of corruption and should be minimized. Prevention and the fight against corruption seriously require firm support from society and the coordination and participation of citizens. Corruption is an anti-value phenomenon and disrupts the correct flow of the rule of law, so preventing it comprehensively is an undeniable necessity for governments, and fighting it is directly related to gaining the legitimacy of political systems. The deliberations of the Islamic Council should be public and its full report should be published through the radio and the official newspaper for public information. The fight against corruption in the set of government forces requires proper coordination and prioritization, although the role of the government is considered to be of high importance. The government should not take a stand against the corruption of judges and employees of the judicial system in such a way that any kind of corruption is considered as a questioning of the system.

### **Conclusion:**

Transparency can be seen as a method that binds the government to provide citizens with the information needed by the people and, far from secrecy, facilitates public information channels and is one of the fundamental rights of citizens. Respect the "right to know" which is emphasized in the declaration of Human Rights. The main responsibility of fighting corruption rests with the government, and the front line of fighting corruption is the executive branch, and the methods of fighting corruption in other branches are mostly preventive. Increasing transparency in government institutions increases the level of people's trust and public participation, and creates the basis for the formation of social capital reduces the distance between the government and the nation, and increases the acceptance of the governance system among the public. The prevention of corruption and the recognition of its bottlenecks and corruption-inducing platforms are more related to the legislative branch in the country, and one of the reasons for society's need for

transparency is the prevention of corruption and one of the main benefits is that it is established. Doing justice and preventing unfair discrimination. Transparency in the executive branch can be checked by disclosing the state of assets and announcing the jobs and private activities of high-ranking officials before and after taking office. In the judiciary, transparency can be defined by making trials public, maintaining the independence of judges, and making the judicial system accountable for ambiguities. In the category of corruption, one of the main causes of its occurrence is the conflict of interests or the preference of personal or organizational interest over the national interest, and among the strategies to combat it, we can: guarantee the right of access to information for citizens, promote the efficiency of judicial institution, management of conflict of interest, health of economic activity, institutionalization of culture of transparency, establishment of administrative justice. It is hoped that by raising the level of citizens' awareness and making their correct and principled demands from the authorities, as well as amending the regulatory structures and relevant laws, a way to create transparency and fight corruption in society will be created and the path to an ideal society will be paved.

### **Offers:**

Following the detailed steps of the research topic, suggestions are made to block the bottlenecks of corruption and strengthen the anti-corruption front in the fight against corruption as follows:

- \*Strengthening popular processes of corruption prevention
- \* Improving transparency to promote the general participation of the people in the fight against corruption
- \* Solving social problems and points of conflict between the government and the nation
- \* Solving the livelihood problems of government employees
- \*Creating citizens' awareness and public education to report corruption
- \* Decisive and legal dealings with the beneficiaries of the violation
- \*Transparency of MPs' votes
- \* Clarify the negotiations of legal institutions
- \* Increasing accountability of officials to prevent corruption
- \* Improvement of clarification about checking the income of officials and their relatives before and after the period of responsibility
- \* Requirement of transparency rules in the public and semi-public sector
- \* Eliminating ambiguity in anti-corruption laws
- \*Recognizing and promoting the right to know for people and clarifying the levels of self-determination
- \* Increasing the costs of committing a crime for its perpetrators
- \* Acceptance of the right to access information officially in executive laws with a guarantee of proper implementation
- \*Creating and improving the mechanisms of access to court decisions to review the formal and substantive process of the proceedings
- \*Elimination of discrimination and descent in government employment

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