

**How to cite this article:**

Saljooghi, R., Mahdavi Sabet, M. A., & Ashouri, M. (2026). Comparative Study of Rent-Seeking in the Criminal Justice Systems of Iran and England with Reference to International Instruments. *Journal of Historical Research, Law and Policy*, 4(3), 1-16. <https://doi.org/10.61838/jhrlp.178>



Article history:  
Original Research

**Dates:**

Submission Date: 26 September 2025

Revision Date: 22 December 2025

Acceptance Date: 29 December 2025

First Publication Date: 07 January 2026

Final Publication Date: 01 May 2026

# Comparative Study of Rent-Seeking in the Criminal Justice Systems of Iran and England with Reference to International Instruments

1. Ruhollah. Saljooghi<sup>1</sup>: Department of Criminal Law and Criminology, SR.C., Islamic Azad University, Tehran, Iran
2. Mohammad Ali. Mahdavi Sabet<sup>2</sup>: Department of Criminal Law and Criminology, SR.C., Islamic Azad University, Tehran, Iran
3. Mohammad. Ashouri<sup>3</sup>: Department of Criminal Law and Criminology, SR.C., Islamic Azad University, Tehran, Iran

\*corresponding author's email: m-mahdavisabet@srbiau.ac.ir

## ABSTRACT

Rent-seeking, as one of the most long-standing forms of rights-violating conduct, has consistently been a major concern of nations, and combating it is regarded as a legitimate demand of societies. The criminal justice system in each country bears responsibility, on behalf of the legislature, for responding to this demand in order to safeguard rights, public interests, and the values endorsed by society. At the same time, the effective fulfillment of this responsibility requires the realization of numerous conditions, ranging from appropriate legislation to the political will of the governing authorities and the participation of the public, all of which may vary significantly from one country to another. The success or failure of criminal justice systems in combating rent-seeking and other forms of corruption undoubtedly depends on these conditions, and neglecting them leads to analytical distortions, the absolutization of responsibility, and ultimately the failure of the criminal justice system. Within the Iranian context, rent-seeking occupies a particularly prominent position among other forms of corruption in terms of its scale, characteristics, and the extent of the damage and losses it generates. Consequently, some commentators, without adequate attention to other contributing factors, identify the primary cause of the current situation as the absence of explicit criminalization of rent-seeking and the existence of opportunities for rent extraction. On this basis, they advocate for the enactment of a specific statute to combat it. However, various existing laws, under different titles and in a fragmented and sometimes indirect manner, already address the phenomenon of rent-seeking. Under these circumstances, in order to clarify the realities underlying the high level of rent-seeking in the country and to dispel pessimism and suspicion regarding the capacity of the criminal justice system, a comparative study of Iran's criminal justice system with that of a country that has been successful in combating rent-seeking is considered essential. The outcome of such research will be enhanced awareness of the strengths and weaknesses of Iran's criminal justice system and a clearer understanding of the causes of the elevated rate of rent-seeking.

**Keywords:** Rent; Rent-seeking; Justice; Discrimination; Monopoly.

## Introduction

Rent-seeking, as one of the most complex, multi-layered, and covert forms of corruption, has over recent decades become a fundamental challenge for legal and criminal justice systems. In many countries, the expansion of rent-seeking has not only weakened governmental efficiency and disrupted economic processes, but has also seriously threatened public trust in governance, social justice, and equality of opportunity. In Iran, according to



© 2026 the authors. This is an open access article under the terms of the Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0) License.

available evidence, rent-seeking—by virtue of the scale of its damages, the breadth of its occurrence, and its structural consequences—has assumed a more prominent position than other forms of corruption, to the extent that a significant portion of public opinion attributes economic and administrative inefficiencies to the proliferation of rent extraction and privilege-seeking. At the same time, within Iran's domestic legal system, the term “rent-seeking” has not been explicitly incorporated into the legislative framework, and no unified, coherent, and explicit legal definition of it has been provided (1). Legal responses have therefore been pursued primarily through adjacent concepts such as abuse of office, bribery, unjust discrimination, and unlawful influence. This conceptual fragmentation and the absence of direct criminalization raise serious questions regarding the effectiveness of Iran's criminal policy in confronting rent-seeking.

On the other hand, countries such as England have, over many years, succeeded in minimizing the incidence of corruption and rent-seeking through the use of legal and institutional mechanisms. What has transformed England into one of the most successful models in controlling rent extraction is not merely the existence of stringent criminal laws, but rather the quality of governance, extensive transparency, multi-layered oversight, judicial independence, a culture of accountability, and operational mechanisms for controlling power (2). A comparative examination of England's experience allows for a more precise understanding of the structural factors that contribute to curbing rent-seeking and demonstrates that the criminal justice system represents only one component of a broader institutional architecture. In reality, success in controlling rent is the product of synergy among political structures, competitive economic systems, public culture, free media, and independent oversight institutions.

In Iran, however, a markedly different picture emerges. The concentration of power, the economy's dependence on oil-based rents, the weakness of independent oversight, restrictions on public access to information, bureaucratic complexity, and the incomplete establishment of accountability mechanisms have together created conditions under which rent-seeking is reproduced at multiple administrative, economic, and political levels. The absence of mandatory financial and performance disclosure requirements for many quasi-governmental and economic institutions reinforces secrecy and hidden transactions. Such conditions not only undermine public trust, but also diminish the effectiveness of the criminal justice system in addressing corruption, since criminal law intervenes primarily at the final stage after the commission of corrupt acts, whereas rent-seeking fundamentally requires structural prevention.

Accordingly, the central problem of this research is why, despite certain efforts and the existence of scattered anti-corruption laws, the level of rent-seeking in Iran continues to be assessed as high. Which political, legal, economic, and cultural factors have obstructed the effectiveness of the criminal justice system in confronting rent-seeking? And more importantly, what lessons can be drawn from England's successful experience in controlling rent-seeking for the reform, redesign, or strengthening of Iran's criminal policy framework?

The significance of this research lies in its capacity to bridge an existing conceptual gap within Iranian legal literature. Although rent-seeking constitutes one of the country's most serious challenges, no precise and systematic legal definition of it has yet been developed, and many related behaviors are analyzed within the framework of fragmented offenses. By reconceptualizing rent-seeking in Iran and comparing it with the legal models of England, the present study contributes to the development of the theoretical foundations of this field.

From a practical standpoint, the findings of this research are of substantial importance for legislators, supervisory institutions, the judiciary, and policymakers. Accurate identification of structural weaknesses in combating rent-seeking can clarify future reform pathways and enhance the prioritization of anti-corruption measures. At a time

when rent extraction is recognized as one of the most significant drivers of declining social trust and economic inefficiency in Iran, deriving effective models from England's experience may provide a foundation for comprehensive and realistic reforms.

## Conceptual Literature of the Research

### *The Legal Concept of Rent-Seeking*

One of the principal difficulties of comparative legal studies lies in linguistic challenges, and criminal law is no exception to this rule. For example, the concept of "preventive detention" in French law bears no equivalence to "preventive detention" in Canadian law. In the French system, preventive (temporary) detention refers to detention prior to the issuance of judgment, whereas in the Canadian legal system preventive detention constitutes an indeterminate security measure imposed upon extremely dangerous offenders. Similarly, French "temporary detention" does not correspond to Spanish "preventive detention"; rather, Spanish preventive detention is equivalent to custodial supervision in French law, while temporary detention in Spanish law refers to provisional imprisonment (3). Accordingly, English law must be examined with precision in order to determine under which concepts or terms the phenomena identified in Iranian law as "rent" and "rent-seeking" are addressed in the English legal system. Despite the vast and ever-expanding body of statutory law, a substantial portion of English law remains rooted in common law (4). Except in areas where enacted statutes form distinct branches of law, most legislative provisions function as amendments or supplements to common law and lack independent meaning without reference to it. Nevertheless, some statutes enacted in recent years pertain to narrower legal domains, such as the Theft Act of 1968.

### *Rent-Seeking in Iranian Laws and Regulations*

The term "rent-seeking" has thus far not been employed in the domestic laws and regulations of the Islamic Republic of Iran. Recently, efforts have been undertaken to introduce this term into the legal framework through a draft bill on the criminalization of rent-seeking. In that draft, however, rent-seeking is not explicitly defined; rather, its content suggests that rent-seeking consists of behavior that, under certain circumstances, leads to the acquisition of profit, benefit, or rent, and that an individual who, under prescribed conditions and through specific conduct, obtains privilege, profit, or rent is deemed a rent-seeker (5). According to some Iranian legal scholars, the proposed definition in the draft criminalization bill provides that any person who, contrary to legal standards or fair economic competition, exploits personal or others' credit, power, political or economic influence, or confidential information, without creating or expanding productive economic activity or enhancing value-added and productivity within society, and thereby acquires any form of property or non-material privilege, shall be regarded as a rent-seeker (6).

In general, within the phenomenon of rent-seeking, the rent-seeker occupies a privileged position that enables the abuse of that status to secure advantages and benefits outside the legal framework for oneself or others, and any person who enjoys such privileges is considered a rent-seeker. Consequently, rent-seekers may originate either within governmental institutions or outside the structure of the state. Terms such as "non-material privilege" and "fair economic competition," as used in Article (1) of the draft bill, are broad and ambiguous, creating fertile ground for subjective and discretionary interpretations (7).

### *Rent-Seeking in English Law and Regulations*

In English law, the terms “rent-seeking” and “corruption” are frequently used interchangeably. However, a closer examination of academic literature reveals that these two concepts have developed in parallel in a striking manner. In English criminal law, across both common law and statutory law, a shared element characterizes the numerous manifestations of corruption (8). In both domains, corruption is understood as a breach of the duty of loyalty—a violation of the fiduciary relationship between “agent” and “principal.” This framework, commonly referred to as the “duty model,” constitutes the foundation of English criminal law regarding corruption (although it has its critics, including the market model and the influence model). Under this model, corruption, in its various forms, represents objectionable conduct whereby the agent acts contrary to the interests of the principal. The standard definition of “rent-seeking” is the pursuit of privileged benefits from the state (9).

While there is broad agreement concerning this definition, achieving consensus on a fully accepted definition of corruption has proven far more difficult. Among economists, corruption is often defined as “the sale of public assets by public officials for private gain” or as situations in which “the power of public office is used for personal benefit in a manner that violates the rules of the game” (10).

### *Rent-Seeking in International Instruments*

The term “rent-seeking” does not explicitly appear in international legal instruments; rather, certain of its manifestations are subsumed under the broader concept of corruption. The most significant instrument in this regard is the United Nations Convention against Corruption, adopted in 2003. This convention addresses offenses such as bribery, money laundering, embezzlement, misappropriation, trading in influence, abuse of functions, and illicit enrichment. Given the close affinity between several forms of rent-seeking and the crimes enumerated in the Convention, this section confines itself to the definitions of these offenses, since a careful examination of rent-seeking reveals that many of its manifestations occur through offenses such as abuse of functions and trading in influence, and in numerous cases maintain a close relationship with bribery (11).

## **Discussion**

### *Confronting Rent-Seeking in Iran’s Criminal Justice System*

Prevention is always preferable to treatment, and this proposition also holds true with respect to combating rent-seeking. This approach is likewise reflected in the general policies of the Islamic Republic of Iran. Accordingly, alongside the imposition of statutory punishments on perpetrators of rent-seeking, the most effective and fundamental anti-rent-seeking policies may be summarized as follows:

1. Serving as a role model by the leadership of society.
2. Increasing the salaries of public-sector employees and ensuring their financial welfare, alongside expanded use of reward-and-sanction systems, institutionalization of meritocracy, and training aimed at raising employees’ awareness of the impacts of rent-seeking on life and its various dimensions.
3. Economic liberalization and deregulation, accompanied by the repeal of burdensome laws and removal of barriers to economic activity, as a method for reducing rent-seeking.
4. Privatization and downsizing of the state; in reality, excessive and uncontrolled government expansion provides the groundwork for the emergence and cancer-like spread of rent-seeking.

5. Increasing transparency in the budget.
6. Establishing specialized, precise, scientific, and impartial supervisory bodies dedicated to combating rent-seeking, while ensuring that regulations possess deterrent capacity; such bodies should simplify, to the greatest extent possible, administrative processes across institutions, because simplification facilitates oversight and control. In fact, the complexity of rent-seeking itself derives from the complexity of executive and operational plans and programs and from the involvement of skilled and specialized actors in rent-seeking processes, which in turn makes control increasingly difficult (12).
7. Improving the status of public oversight and legal supervision; promoting a whistleblowing culture; increasing participation and activity of the non-governmental sector in economic activities and in implementing national development programs; and strengthening organizational culture and religious and ethical values in organizational and occupational conduct (11).

### The Constitution

Rent-seeking constitutes, in effect, an infringement on individuals' rights, and Article 22 of the Constitution refers to the necessity of protecting such rights except where the law provides otherwise. Through rent-seeking—via unfair competition, discrimination, and the granting of privileges and rents—individuals' rights are subjected to violation. Under Article 26 of the Constitution, political parties are free, provided that they do not violate the principles of independence, freedom, and national unity, Islamic standards, and the foundations of the Islamic Republic. Subject to these conditions, parties may, through healthy activity, play a positive role in preventing rent-seeking and combating it, and thereby contribute to the progress and development of the Islamic Republic. Nepotism and patronage, as manifestations of rent-seeking, are in many appointments inconsistent with Article 28 of the Constitution; under this principle, the government is obliged to provide employment opportunities and equal conditions for access to occupations. In furtherance of equal opportunity for all, Article 43 requires that those who are able to work but lack the means of work be provided facilities, such as interest-free loans or other lawful means, so that this does not result in the concentration and circulation of wealth in the hands of particular individuals and groups, nor transform the state into a dominant and absolute mega-employer (13). This principle also addresses the prohibition of harm to others, monopoly, and related matters. However, state-owned automobile companies operate in a manner that, in practice, directly contradicts this principle and generates rent-seeking. In combating corruption, pursuant to Article 43, reliance on science and technology and the training of skilled individuals must be considered. Skilled individuals across supervisory and executive sectors can substantially contribute to preventing and combating rent-seeking. Another necessary provision in the arena of combating rent-seeking is attention to Article 142 of the Constitution, which concerns officials' assets, although its scope should be expanded to include many individuals such as members of the Islamic Consultative Assembly, the Expediency Discernment Council, the Guardian Council, the Assembly of Experts, and others (1).

### Leader's Directives

#### **The Eight-Point Decree of the Supreme Leader (issued 2 May 2001)**

Justice is one of the necessary conditions of leadership. On this basis, and for the purpose of expanding justice, the Supreme Leader issued a decree emphasizing the need to confront corruption and rent-seeking and obligating officials, through directives, to combat them. According to this decree, rent-seeking contradicts the aims and

philosophy of the Islamic Republic; the objective is nothing other than serving the people and raising the banner of Islamic justice. The country is in need of healthy economic activity, job creation for youth, and investment (2).

**The Twenty-Year Vision Document of the Islamic Republic of Iran (Horizon 2025), communicated on 4 November 2003 by the Leader to the heads of the three branches**

The basis of this document is Clause (1) of Article 110 of the Constitution. Under this document, within the twenty-year outlook, Iran is a developed country with the foremost scientific and technological standing in the region and enjoys constructive engagement in international relations. The document emphasizes religious democracy, social justice, preservation of human dignity and rights, enjoyment of social and judicial security, as well as ensuring equal opportunities, appropriate income distribution, and a strong family institution free from poverty, corruption, and discrimination. In light of this document, the question arises as to whether, since its promulgation, progress toward achieving the stated objectives has been acceptable. Answering this question—dependent of statistics reported by governmental bodies—requires an experiential and tangible understanding by members of society. Undoubtedly, despite the passage of nearly fourteen years, no particular success has thus far been achieved (3).

**Law on the Accession of the Government of the Islamic Republic of Iran to the United Nations Convention against Corruption (UNCAC), adopted 31 October 2003 by the UN General Assembly (approved 11 June 2006 by the Islamic Consultative Assembly and 12 October 2008 by the Expediency Discernment Council)**

The most important anti-corruption instrument is the United Nations Convention against Corruption, adopted on 31 October 2003. This instrument is regarded as a significant step toward the realization of fundamental human rights and freedoms. It is among the important initiatives of the United Nations, drafted by the United Nations Office on Drugs and Crime (UNODC). Unlike criminal conventions that begin with the criminalization and classification of offenses, this instrument reflects the concern of signatory states about the severity, instability, and insecurity of societies, and their recognition of the destructive impact of corruption, including damage to democratic traditions and values, morality, and justice, and threats to sustainable development and the rule of law (14). The signatory states conceptualize a coherent connection between corruption and other crimes, including organized and economic crimes, and characterize corruption as an international phenomenon. Because of the enormous sums and financial reserves involved and their extraction from development cycles, they regard corruption as a threat to development and political stability. Accordingly, international cooperation through a comprehensive and multi-dimensional approach becomes necessary to confront it (15).

**Law on the Accession of the Islamic Republic of Iran to the Convention against Transnational Organized Crime (21 December 2000)**

After extensive debate, the Iranian government was ultimately permitted, through a single-article act and subject to specific conditions, to accede to this Convention. In this Convention, the key term “organized criminal group” appears; an organized group is a group formed for the purpose of committing offenses, the members of which have defined roles. Rent-seeking may occur in an organized form. Under Article 5 of the Convention, intentional participation in organized groups for the purpose of obtaining financial gain or other material benefit must be criminalized. Given the wide scope of rent-seeking, the fact that it has not been explicitly criminalized to date, and that existing offenses sometimes operate merely as a partial veneer of combating rent-seeking and do not cover its diverse forms, this Convention’s framework does not fully encompass rent-seeking in all its forms; rather, it covers only those organized crimes that, in an organized manner, lead to financial gain. On this basis, the necessity of

criminalizing rent-seeking is felt more strongly than ever, and failure to act in this regard will undoubtedly result in deficiencies in achieving the Convention's objectives (6).

#### **Law on the Implementation of the General Policies of Article 44 of the Constitution**

This law is grounded in the Leader's directive entitled "General Policies of Article 44 of the Constitution of the Islamic Republic of Iran," dated 22 May 2005. It is among the most important leadership directives raising macro-level issues for the future policymaking and governance of the country. These policies were issued approximately five months prior to the conclusion of the United Nations Convention against Corruption; however, the implementing law—entitled the Law on the Implementation of the General Policies of Article 44 of the Constitution—was approved on 29 January 2008, approximately thirty-one months after the ratification of the global anti-corruption convention by the Islamic Consultative Assembly, and on 14 June 2008 it was deemed by the Expediency Discernment Council to be consistent with the interests of the system (7).

#### *Confronting Rent-Seeking in England's Criminal Justice System*

##### Non-Criminal Prevention in England

Numerous non-criminal measures within England's criminal justice system have been implemented to enhance deterrence against corruption in ways that effectively curb rent-seeking. One of the most significant of these measures is education. In 2012, an effective educational package on how to combat corruption and fraud was developed for departments, agencies, and institutions of the central government in England and Wales. This package has been continuously upgraded over time, with guidelines subsequently extended to local authorities as well. The government has continued to strengthen training for public-sector employees and has made these materials accessible through the Civil Service learning platforms. Among other effective measures are cultural initiatives, which play a substantial role in shaping anti-corruption behavior (16).

Overall, England's anti-corruption strategy reflects a deeply embedded culture of combating corruption. On this basis, England considers itself firmly committed to countering corruption and explicitly acknowledges that addressing corruption requires sustained commitment, including action at the local, national, and international levels. Broad and long-term measures aimed at building a culture of integrity within both the public and private sectors are combined with targeted actions designed to counter specific and urgent threats. England also strongly promotes a fair and rules-based global business environment and cooperates directly with governments, international organizations, and businesses to raise standards, strengthen capacities, and reduce opportunities for corrupt practices, thereby enabling enterprises to compete under equal conditions.

Reducing corruption in financial assistance and public procurement constitutes another key non-criminal measure in the fight against rent-seeking, achieved through strict oversight of financial aid and public procurement processes. Given that public procurement accounted for approximately one-third of total government expenditure in 2016, England's strategy emphasizes the prioritization of managing interactions among officials, businesses, and other stakeholders, owing to the heightened risk of corruption and fraud in such engagements. Over the past decade, the UK government has undertaken major initiatives to enhance its commercial capabilities—particularly in procurement—strengthen risk management, and equip itself with robust systems for detecting and countering corruption. Nevertheless, sustaining these achievements requires continuous effort to preserve and expand

institutional capacities at both central and local levels. England has successfully assumed leadership of the G5 group in utilizing open contract data to improve public procurement and achieve better value for money (9).

### Criminal Prevention in England

The sentencing system in England is founded upon the principle of proportionality between crime and punishment. Since the early 1990s, beginning with the Criminal Justice Act 1991 and subsequently through later statutes including the Powers of Criminal Courts Act 2000 and the Criminal Justice Acts of 2003 and 2005, English lawmakers have adopted a retributive sentencing framework whose core element is the principle of proportionality between the seriousness of the offense and the severity of the sanction (17). Courts have been granted extensive discretion, supported by sentencing guidelines and directives issued by appellate courts and the Sentencing Council, requiring them to determine punishment based on the proportional relationship between the harm inflicted on the victim and the degree of culpability associated with the offender's conduct.

The Prevention of Corruption Act 1906, entitled "An Act for the Better Prevention of Corruption," whose territorial jurisdiction extended over England, Wales, Scotland, Northern Ireland, and the Republic of Ireland, received royal assent in August 1906 and was repealed on 1 July 2011 (18). Under this statute, corruption was classified as a misdemeanor and punishable by imprisonment of up to seven years. Nevertheless, there is no general offense of corruption in the United Kingdom. Instead, legislation defines specific offenses such as bribery, police corruption, misconduct in public office, and other related crimes, as well as corruption-associated offenses including fraud, tax evasion, and money laundering. It may reasonably be asserted that the most significant method of combating rent-seeking within England's criminal justice system lies in the severe penalties prescribed for offenses such as bribery and money laundering (19).

In practice, offenders often attempt to corrupt officials or disrupt criminal justice processes in order to evade detection, prosecution, and punishment—a pattern that is likewise observable in rent-seeking. Organized criminal groups resort to various means, including bribery, to obtain sensitive information. Local authorities are frequently targeted by those seeking to establish local corruption networks, with private-sector professionals often facilitating these processes (20).

Among the long-term objectives of England's anti-corruption strategy is the reduction of corruption's impact on international trade and investment. Corruption functions as a hidden tax on commerce, generating additional costs comparable to those imposed by tariffs. In an international survey conducted in 2015, 30 percent of participating companies reported having failed to secure contracts in which credible evidence indicated that successful competitors had engaged in bribery. International bribery conducted by British entities carries reputational, financial, political, and social consequences. British individuals and companies that give or receive bribes abroad are subject to criminal liability, as such conduct jeopardizes the international standing of the United Kingdom. Corruption can increase the cost of doing business for individual firms by up to 10 percent, distort markets, and hinder trade and investment. Globally, the cost of corruption is estimated to exceed 2 percent of world GDP, ranging from USD 1.5 trillion to USD 2 trillion annually, with the World Bank estimating that over USD 1 trillion in bribes is paid each year (21).

The Bribery Act 2010 has achieved international recognition, and the Criminal Finances Act of April 2017 strengthens the United Kingdom's capacity to combat money laundering, corruption, tax evasion, and terrorist financing. Transparency International has described these laws as the most important anti-corruption legislation of

the past thirty years. The Bribery Act 2010 introduced a new corporate offense whereby commercial organizations incur criminal liability for failure to prevent bribery by persons associated with them, with companies required to implement adequate procedures to prevent such conduct, subject to extensive oversight by the Ministry of Justice (20).

The Crime and Courts Act 2013 established Deferred Prosecution Agreements (DPAs) in England and Wales, providing a new mechanism for addressing corporate economic crime, including bribery and corruption. In October 2014, new sentencing guidelines on fraud, bribery, and money laundering were implemented by the Sentencing Council, setting forth comprehensive standards for judicial determination of penalties in such cases. The anti-corruption strategy further affirms that the United Kingdom is empowered to prosecute all individuals involved in serious and organized crime, prescribing extensive prosecutorial authorities and imposing prison sentences of up to five years for those who play facilitating roles in such crimes (22).

Several British anti-corruption and cooperative enforcement measures are derived from European Union law, including those addressing money laundering, company regulation, public procurement, criminal justice, and cooperation mechanisms. As previously discussed, combating money laundering constitutes one of the principal means of curbing rent-seeking. The United Kingdom, as a global financial center, has demonstrated exemplary performance in attracting investment, ranking first in Europe in 2016 for foreign direct investment projects. Although the vast majority of financial transactions are lawful, some may be exploited by criminals for money laundering purposes. The British government and private sector have adopted a firm stance against such practices and continue to work actively to prevent them (23).

Nevertheless, the National Strategic Assessment of Serious and Organized Crime in 2016 identified the United Kingdom as one of the most attractive destinations for laundering proceeds of grand corruption, with professional enablers and intermediaries playing a significant role. The National Crime Agency estimates that over GBP 90 billion in illicit funds are laundered through the United Kingdom annually. The UK National Risk Assessment of 2017 concluded that this threat remains substantial (18).

The Strategy for Serious and Organized Crime emphasizes that organized crime cannot function effectively without access to the legitimate economy. Criminals rely on professionals such as bankers, lawyers, and accountants to launder illicit assets. The government has introduced measures to counter this phenomenon, particularly in the areas of asset recovery and combating illicit financial flows linked to corruption, though these topics lie beyond the scope of the present study (23).

The Financial Services (Banking Reform) Act 2013 introduced stricter structures for the certification of senior bank managers and employees, imposing comprehensive obligations on banks to verify the competence and integrity of their personnel and to ensure compliance with conduct standards under the supervision of the Prudential Regulation Authority (PRA) and the Financial Conduct Authority (FCA). Additional British anti-corruption actions include investigations into the Stanbic Bank and EGMA Tanzania cases concerning bribery and money laundering, which led to arrests in Tanzania, while the United Kingdom continues cooperation with Tanzanian authorities to provide evidence for prosecution. Strengthening financial leadership, international development finance, and export finance practices falls under the responsibilities of the UK Development Finance Institution (CDC) and the UK Export Finance Agency (UKEF), which encourage international counterparts to adopt higher integrity standards and ensure transparency of investment activities (20).

The United Kingdom remains committed to strengthening law enforcement responses to bribery and corruption. During the first three years of implementation of the Bribery Act, four individuals were convicted under its provisions. To enhance investigative capacity in international corruption cases and operate as a center of excellence, a new bribery and corruption unit was established within the National Crime Agency, integrating NCA resources with funding from the Department for International Development (24).

The United Kingdom has prioritized alignment of its anti-money laundering regulations with the latest international standards. Accordingly, the Office for Professional Body Anti-Money Laundering Supervision (OPBAS), hosted by the Financial Conduct Authority, was created to ensure that professional AML supervisors uphold high regulatory standards worldwide (19).

To further these objectives, the United Kingdom has enhanced the analytical capacity of the Joint Money Laundering Intelligence Taskforce, expanded its membership to banks and financial service providers, strengthened responses to illicit financial flows, and encouraged other jurisdictions to develop public-private information-sharing partnerships. Anti-money laundering is regarded as a central priority, with the United Kingdom playing a foundational role in the G8 in 2013. The Prime Minister reaffirmed at the G8 Summit in Lough Erne in 2013 the UK's commitment to FATF standards on money laundering and terrorist financing. Financial institutions, following risk assessments, have implemented action plans addressing high-risk areas, making it increasingly difficult for criminals to launder funds through the United Kingdom (18, 22).

The Treasury and the Home Office regularly assess national risks related to money laundering and terrorist financing and produce action plans based on these assessments. The Treasury is mandated to submit annual reports on progress in AML supervision and national risk evaluation, while the Home Office reviews suspicious activity reports and pursues amendments to the Proceeds of Crime Act 2002 to expand powers for tracing and recovering concealed assets. In asset recovery efforts, the UK government has adopted innovative approaches, including freezing the assets of suspected money launderers, such as the approximately USD 23 million in assets frozen in connection with corruption cases in Ukraine (24).

## **Conditions Influencing the Fight Against Rent-Seeking in the Criminal Justice Systems of Iran and England**

### *Comparative Analysis*

Combating rent-seeking, as one of the most complex manifestations of corruption, cannot be achieved solely through criminalization or the intensification of punishment. The experience of countries such as England indicates that political, social, economic, and cultural structures—as well as the degree of transparency and accountability of power-holding institutions—play a more decisive role in the effectiveness of criminal policy. In this regard, a comparative study between Iran and England reveals important dimensions of why these two systems differ in their levels of success.

### *Political Structure and Its Role in Controlling Rent-Seeking*

**(a) England's political structure:** England is based on parliamentary democracy and one of Europe's most institutionalized systems of separation of powers. The monarchy is ceremonial, and in practice Parliament is the primary pillar of legislation and oversight. Deep-rooted political parties, through free and structured competition, keep the government accountable. This system relies on political stability, elite circulation, a long-standing tradition

of respect for the rule of law, and judicial independence (25). Multi-layered oversight—encompassing mechanisms such as parliamentary audit functions, the National Crime Agency (NCA), an independent police structure, civil society organizations, and free media—has minimized opportunities for abuse of power. Within such a structure, rent-seeking is often identified and halted through supervisory mechanisms before it reaches the stage of criminal conduct.

**(b) Iran's political structure:** In Iran, the political structure is grounded in the institution of the Supreme Jurist (Velayat-e Faqih), Parliament, the executive branch, and the judiciary. However, the concentration of power in certain sectors, incomplete independence of supervisory bodies, and weaknesses in elite circulation have limited the effectiveness of oversight. Moreover, due to a semi-state and rent-dependent economy, many governmental institutions play direct roles in economic activity, thereby creating conditions for conflicts of interest and the formation of rent-based privileges (7). Consequently, weak effective oversight, limited transparency in economic processes, and constraints on independent media substantially contribute to the shortcomings of Iran's criminal justice system in controlling rent extraction.

The political structure of each country creates the framework within which power relations, oversight, transparency, and accountability take meaning. England, with a consolidated parliamentary democracy, has—through elite circulation, genuine separation of powers, judicial independence, and multi-layered parliamentary oversight—created an environment in which rent-seeking has a more limited capacity to expand (25). Institutions and reporting mechanisms function as potential barriers to the formation of rent networks. By contrast, Iran's political structure, with high-level concentration of power and extensive governmental involvement in the economy, increases the likelihood of conflicts of interest and non-transparent interventions. Although various anti-corruption laws and policies have been adopted, weaknesses in the independence of oversight bodies and limitations in parliamentary supervision, alongside reliance of many power centers on rent-based resources, have diminished the practical effectiveness of these measures (7). In such a structure, the high rate of rent-seeking is less a product of legislative gaps than a consequence of structural deficiencies in effective oversight.

#### *The Role of Democracy, Transparency, and Accountability in Controlling Rent-Seeking*

Democracy in its modern sense does not merely mean periodic elections or the transfer of power through popular vote; rather, it denotes a set of complementary institutions, oversight mechanisms, and a participatory political culture that collectively enable power control, public claims-making, and continuous accountability of officeholders. In advanced democratic systems, political power is subject to legal and institutional constraints such that neither the government nor Parliament is exempt from public scrutiny and accountability. The existence of intermediary institutions—such as political parties, unions, civic associations, free media, and competitive elections—creates a cycle in which power remains under constant public observation. This cycle reduces the likelihood of abusing power for rent-based benefit (25).

In England, this accountability cycle operates with notable effectiveness. Political parties are not merely instruments of political competition; they are also subject to strict financial reporting regimes. In this context, party financing is treated as a key instrument for detecting political corruption. Mechanisms such as parliamentary audit oversight and institutional anti-fraud structures contribute to keeping the power apparatus transparent and traceable, thereby facilitating the exposure and containment of corruption before it becomes entrenched.

Contemporary good-governance approaches treat transparency as a precondition for accountability. Transparency means public access to information related to policies, contracts, expenditures, tenders, appointments, and other domains of power. In England, access to institutional information and public data makes concealment of unlawful privileges and disruptions to fair economic competition considerably more difficult. Media and academic institutions can use such data for analysis, disclosure, and oversight.

In Iran, despite the existence of a law on publication and free access to information, administrative and security constraints and a non-transparent organizational culture have limited the effective enforceability of that law. Many large economic and quasi-governmental institutions are not meaningfully obliged to provide public reporting, while their financial structures often make it difficult to trace benefits, contracts, and financial flows. In institutional-economic terms, the absence of transparency directly lowers the opportunity cost of rent-seeking and turns it into a low-risk, high-return behavior (26).

Accountability means that any official or institution holding power must explain its performance to the public, respond to criticism, and be sanctioned for negligence or corruption. Accountability is commonly conceptualized as:

**(a) Vertical accountability:** the direct relationship between society and government (elections, media, civic movements).

**(b) Horizontal accountability:** relationships among power institutions (courts, parliament, supervisory bodies).

In England, both forms are active. Whistleblowers within public institutions can, relying on legal protections, disclose high-level corruption, and the media can publish such reports without fear; thus, even the probability of exposure has a deterrent effect. In Iran, however, accountability chains are structurally weakened. Media constraints, limited party capacity for oversight, and organizational dependencies of supervisory bodies can reduce the ability to respond decisively to corruption. Moreover, in horizontal accountability, overlaps in functions, incomplete independence, and at times political considerations can obstruct firm action.

A key criminological finding is that corruption decreases when the expected “cost of offending” exceeds the “expected benefit.” In England, multiple reinforcing mechanisms operate: media disclosure, public reaction, political competition, supervisory intervention, and judicial enforcement. As a result, the corrupt actor not only loses illicit gains but also suffers reputational harm, political loss, and career damage. In Iran, by contrast, limited transparency, bureaucratic complexity, and weaknesses in effective judicial follow-up can, in many cases, produce a low-cost/high-benefit environment for corruption, thereby normalizing rent-seeking within certain organizational domains.

#### *Political Participation and Economic Structure in the Reproduction of Corruption*

Political parties constitute the main intermediaries between citizens and the state and in many countries play a central role in exposing corruption, monitoring government, and cultivating political elites. In England, parties are structured and relatively independent, operating under rigorous financial and legal supervision. Party competition creates incentives for exposing rivals’ corruption and preventing corruption within party structures, leading to an environment in which both government and opposition continuously monitor one another.

In Iran, however, the historical weakness of parties, lack of transparent financial backing, organizational instability, and the dependence of many political groups on power structures have reduced parties’ oversight role. Civil society, due to structural constraints, has likewise not been able to function as an independent watchdog

against corruption. The absence of effective intermediary institutions therefore explains part of the persistence of rent-seeking in Iran.

One of the most significant comparative findings is that the type of economy is among the most influential non-political variables in shaping or controlling rent-seeking. England's economy is based on competitive markets, tax revenues, substantive privatization, and close oversight of public contracts. Because the state depends on taxpayers, society is highly sensitive to public expenditure and more likely to demand accountability, which itself functions as an anti-corruption mechanism.

In Iran, the economy relies heavily on non-tax revenues—especially oil—which reduces the government's dependence on popular oversight. In addition, extensive monopolies, large state-owned enterprises, complex bureaucracy, rent-generating subsidies, and limited access to competitive markets preserve structural opportunities for rent extraction. In line with rentier-state theory, the greater the fiscal distance between the state and society, the greater the likelihood of sustained corruption. Therefore, without economic restructuring and reduction of reliance on oil rents, Iran's criminal justice system will not be capable of effectively controlling rent-seeking (15).

### *Political, Social, and Legal Culture*

Cultural factors also play a serious role in intensifying or controlling rent-seeking. England's political culture emphasizes legality, low tolerance for corruption, individual accountability, and respect for oversight institutions. Public opinion demonstrates limited tolerance for officials' privilege-seeking, and the media highlight even minor indicators of corruption.

In Iran, for historical and social reasons, a degree of tolerance toward "petty rent-seeking" can be observed, and in some contexts personal relationships are prioritized over formal rules. This provides the social environment necessary for the continuation of rent extraction. Furthermore, declining public trust in formal anti-corruption mechanisms can weaken societal motivation to participate in oversight.

Overall, comparative analysis indicates that the differences between Iran and England in combating rent-seeking are structural and deep-rooted rather than merely legislative. In England, a synergistic set of conditions—embedded democracy, strong parties, a competitive economy, free media, financial transparency, judicial independence, and a law-oriented political culture—has enabled rent-seeking to be curtailed before it materializes as a criminal offense. In Iran, however, power concentration, a rent-dependent economy, weak transparency, weak parties, media constraints, and cultural challenges have rendered the criminal justice system alone insufficient for controlling rent-seeking.

Accordingly, although criminal law reform is necessary, it will have limited impact without broader structural and institutional reforms in politics, economics, governance, and public culture. Only by improving governance, strengthening public oversight, reducing rent-generating domains, and increasing transparency can Iran's criminal justice system plausibly achieve sustainable success in combating rent-seeking comparable to that of England.

### **Conclusion**

The examination of conceptual foundations demonstrates that, in Iranian law, despite the widespread use of the term "rent-seeking" in political and social discourse, there is no precise legal definition or coherent criminalization of this phenomenon. Existing laws address only certain manifestations—such as abuse of office, unlawful influence, or bribery—without establishing an independent and comprehensive legal framework for confronting rent-seeking.

This legislative gap has resulted in significant interpretive and evidentiary challenges in the judicial prosecution of many forms of rent-seeking. By contrast, England, although it rarely employs the term “rent” in the conventional political-economy sense, has, through the criminal law model of “breach of duty and loyalty,” successfully placed a wide range of rent-based conduct within clear legal categories, including bribery, fraud, money laundering, abuse of office, and corporate misconduct. This conceptual divergence itself represents the first indicator of the structural distance between the two countries in managing the phenomenon of rent-seeking.

At the second level, comparison of the political structures of Iran and England reveals that the degree of power concentration and the nature of interaction among governmental institutions play a fundamental role in the prevalence of rent-seeking. In England, genuine separation of powers, institutionalized parliamentary oversight, judicial independence, the presence of strong political parties, and mechanisms of citizen participation have created an environment in which power is less susceptible to abuse and covert privilege allocation is more constrained. In Iran, however, concentration of power, weakness of independent supervisory institutions, limited circulation of elites, and the involvement of segments of the government in economic activity have unintentionally produced a political structure conducive to the formation of rent-seeking. This structural divergence constitutes one of the most significant causes of the inefficiency of Iran’s criminal policy in controlling rent.

From an economic perspective, England is characterized by a competitive economy, free markets, fiscal transparency, and genuine privatization—factors that reduce opportunities for rent-seeking and strengthen healthy competition. Iran, by contrast, represents a classic “rentier economy,” marked by a large and interventionist state, oil revenues, extensive monopolies, hidden subsidies, bureaucratic complexity, and pervasive lack of transparency. These conditions naturally generate structural opportunities for unlawful privilege acquisition, discrimination, and unequal resource distribution. It therefore becomes evident that without fundamental reform of Iran’s economic structure—including downsizing the state, eliminating monopolies, designing an effective tax system, and strengthening competition—no criminal-law reform alone will be capable of controlling rent-seeking.

In the realm of transparency and accountability, the contrast is likewise pronounced. England, through strict freedom-of-information laws, public disclosure of government contracts, party financial reporting regimes, and protection of whistleblowers, has dramatically increased the cost of engaging in rent-seeking. In Iran, however, the law on access to information suffers from broad exceptions, administrative resistance, and weak transparency infrastructure, rendering it largely ineffective in practice. The absence of binding disclosure obligations for many economic and quasi-governmental institutions has created an environment in which concealed transactions, behind-the-scenes privileges, and rent-based networks can flourish.

Analysis of the criminal justice system further indicates that England, by combining preventive policies, stringent financial regulations, precise criminalization, and efficient detection mechanisms, has constructed a multi-layered framework for combating corruption. Instruments such as the Bribery Act 2010, anti-money laundering laws, and mandatory reporting systems function as operational tools for restraining rent-seeking. In Iran, by contrast, the criminal justice system remains predominantly reactive: it intervenes after corruption has occurred, in circumstances where detection itself is severely hampered by structural opacity. As a result, Iran’s criminal policy toward corruption and rent-seeking is neither sufficiently deterrent nor effective.

Finally, examination of cultural factors reveals that political and social culture plays a decisive role in either reproducing or restraining rent-seeking. In England, zero tolerance for corruption, independent media, high social sensitivity to abuse of power, and organizational cultures grounded in professional ethics make rent-seeking an

extremely costly behavior. In Iran, however, a degree of tolerance toward “petty rent-seeking,” preference for personal relationships over formal rules, erosion of public trust, and the absence of an entrenched culture of accountability have produced conditions in which rent-seeking is sometimes perceived as normal or even rational behavior.

## Acknowledgments

We would like to express our appreciation and gratitude to all those who helped us carrying out this study.

## Authors' Contributions

All authors equally contributed to this study.

## Declaration of Interest

The authors of this article declared no conflict of interest.

## Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

## Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

## Funding

This research was carried out independently with personal funding and without the financial support of any governmental or private institution or organization.

## References

1. Bahrami Moghadam S. Coalition of rent-seekers, captured governance, and the emergence of crony capitalism in Egypt. *Iranian Journal of International Politics*. 2020;8(2).
2. Jafari M. Requirements of criminalization and prosecution of criminals in the law of economic activities. *Journal of Economic Criminal Law Studies*. 2016.
3. Khanali Pourvajargah S. Actors of Iran's criminal legislative process in the field of corruption and economic crimes. *Selected Papers of the National Conference on Iran's Criminal Policy in the Field of Economic Crimes* (2016). Tehran: Mizan Publications; 2018.
4. Fathi MR. Iran's criminal policy towards rent-seeking: Virtual Non-profit Institute of Noor Tuba, *Criminal Law and Criminology*; 2018.
5. Tabibian M. Economic rent as an economic obstacle. *Planning and Development*. 1993(Winter).
6. Mahdavi Pour A, Karimi M. The role of supervisory and control institutions in preventing administrative corruption. *Journal of Economic Criminal Law Studies*. 2016.
7. Alvani SM, Zarandi S, Arab Sorkhi A. Components of formulating the national anti-corruption strategy of the Islamic Republic of Iran. 2010(Spring & Summer):3-22.
8. Hashemi SMJ. Comparative study of the impact of democratic and independent supervisory institutions on reducing corruption with regard to Chapter Two of the 2003 UN Convention against Corruption. *Selected Papers of the Conference on the United Nations Convention against Corruption: Achievements and Challenges*. Tehran: Mizan Publications; 2016.

9. Tabatabai Motamani M, Afshari F, Asadi H. Abuse of discretionary power in English and Iranian judicial precedent and its comparison with jurisprudence and private law. Specialized Scientific Quarterly of Judgment (Ghezavat). 2015.
10. Sheikholeslami A. Criminal Policy of Iran and England in the Realm of Press Crimes. Tehran: Mizan; 2017.
11. Soleimani Asl S, editor Investigating the nature of rent-seeking and its consequent legal foundations "with a digression on the attitude presented by Imam Khomeini (RA)". The 8th International Conference on Jurisprudence, Law, Psychology and Educational Sciences in Iran and the Islamic World; 2024; Tehran.
12. Pourghasemi R, Moridi H, editors. Criminalization of informational rent-seeking in Iranian financial markets: Necessities and legal obstacles. The 9th International Conference on Jurisprudence, Law, Advocacy and Social Sciences in the Horizon of Iran 1404; 2025; Mashhad.
13. Ebrahimi S. Declaration and disclosure of economic crime. Selected Papers. Tehran: Mizan Publications; 2018.
14. Rahimian N. Investigating economic corruption and ways to combat it. Economic Journal. 2014(9 & 10).
15. Fazlinejad SA, Ahmadian M. Rentier economy in Iran and ways out of it. Economic Journal. 2011;10(11 & 12).
16. Mehra N. The English Legal System. 2nd ed. Tehran: Mizan Publications; 2010.
17. Yekrangi M. Limits of police powers in Iran and England: Shahid Beheshti University; 2006.
18. Malakooti N. Social punishments in Iranian and English law: Shahid Beheshti University; 2010.
19. Sabourpour M. The place of primary prevention of crime in England (Translation of Ken Pease's Criminology Treatise). Journal of Legal Justice. 2004(68).
20. Sabzevarinejad H. How punishment is determined in English courts (Translation of "A Practical Approach to Criminal Procedure" by John Sprack). Journal of Excellence in Law. 2011;4(15).
21. Pradel J, Najafi Abrandabadi AH. History of Criminal Ideas. 1st ed. Tehran: SAMT Publications; 2009.
22. Mehra N. Punishment and how it is determined in the English criminal process (with emphasis on the functions of punishment). Journal of Legal Research. 2007(45).
23. Arabiyan B. Damages resulting from crime in Iranian and English law: Islamic Azad University, Shahroud Branch, Faculty of Literature and Humanities; 2014.
24. Javan Jafari A, Norouzi M, editors. Comparative study of "preventive detention" in Iranian and English criminal law 2024.
25. Schultz HJ, Ghaffarifard A. History of England. Tehran: Negah Publications; 2015.
26. Khezri M, Renani M. Rent-seeking and its social costs. Economic Research Journal. 2017;52(2).