

Political Corruption and Its Impact on the Rule of Law: A Comparative Analysis of Countries with Islamic Laws

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Abstract--The article "Political Corruption and Its Impact on the Rule of Law: A Comparative Analysis of Countries with Islamic Law" examines the relationship and impact of political corruption on the rule of law in countries with Islamic law. The primary objective of this article is to investigate the role and influence of political corruption in establishing the rule of law in these countries.

The research methodology employed in this study is content analysis, which examines the impact of political corruption on the rule of law in countries with Islamic law through the study of legal texts and political documents. In this research, the level of political corruption in countries is considered as an independent variable using secondary data from Transparency International and Universidad Passau, and its impact on the rule of law is examined through qualitative research methods by studying case studies and analyzing legal and political relationships concurrently.

The research findings indicate that political corruption leads to a violation of the rule of law in countries with Islamic law. Moreover, this article demonstrates that political corruption has a significant influence on the rule of law and the effectiveness of the legal system in these countries. Therefore, reducing and controlling political corruption in these countries is crucial for improving the rule of law and strengthening the legal system.

Keywords--Islamic law, Law and politics, political corruption, rule of law

I. INTRODUCTION

Political corruption refers to the misuse of public power for personal gain or the manipulation of political processes for private interests. It is widely believed that political clientelism, which involves the exchange of material goods for electoral support, is associated with poorer governance outcomes. Studies have shown a negative relationship between political clientelism and governance outcomes, with increases in clientelism leading to increased political corruption and weaker rule of law [1]. The rule of law is a fundamental principle that requires a morally legitimate government to exemplify certain values, including fairness, equality, and accountability. However, the commitment to the rule of law can also be corrupted when a duty to obey the law is associated with it, leading to a corrupting effect on those who are committed to the rule of law and the value itself [2]. The promotion of the rule of law by international organizations, such as the European Union, can trigger different levels of reform in different countries, depending on factors such as political resistance and domestic accountability [3]. Corruption poses a threat to the rule of law and internal security, and understanding corruption from legal, social, and economic perspectives is crucial [4]. Corruption can occur at both the individual and institutional levels, with different conceptualizations and moral implications [5].

Political corruption has been a sensitive and important issue in the realm of rule of law in countries with Islamic legal systems. This topic has a significant role in striving for the achievement of good governance due to its direct and potential impact on the system's sustainability, social justice, and economic development. This article presents a comparative view of the influence of political corruption on the rule of law in countries with Islamic legal systems. Because it has not been reviewed in other articles.

The main objective of this article is to analyze the impact of political corruption on the rule of law in countries with Islamic legal systems. To achieve this goal, several hypotheses have been proposed that, if confirmed, can contribute to a better understanding of the relationship. Some of these hypotheses are as follows:

- 1) Political corruption weakens public trust in the political system and government.
- 2) Political corruption hinders citizens' rights and freedoms in governance.
- 3) The weakness of the judicial system and legal infrastructure in countries with Islamic legal systems provides an environment conducive to the growth of political corruption.

II. LITERATURE REVIEW:

A. Political corruption

The theoretical foundations of political corruption are complex and multifaceted. One approach conceptualizes corruption as a deviation from standards such as the public interest or legal norms [6]. Another perspective associates corruption with system-level attributes, such as patrimonialism or primordial notions of the public interest [7]. Additionally, there is a focus on the relationship between political corruption and the notion of subjection, including powerful citizens in the category of political corruption [8]. Definitional disputes about political corruption are linked to arguments about the nature of politics and the healthy condition of politics [9]. Furthermore, political corruption can be distinguished from other forms of political failure, such as incompetence [10]. Finally, corruption can be seen as a matter of boundaries, good governance, and rules instituted by a properly constituted state that governs in the interests of all the people .

B. Rule of Law:

The theoretical foundations of the rule of law are highly debated and have been the subject of intense controversy for several decades [11]. Some argue that the ideal of the rule of law originated from substantive conceptions of justice, which can be traced back to ancient times, including classical Greece and even as far back as Homer [12]. Others suggest that the rule of law and the legal state are not antagonistic, but rather two formulations of a common goal, both rooted in the core value of freedom [13]. However, there is a tendency among many to view law as independent of politics and ethically superior, with calls to establish the rule of law and defend international law [14]. Overall, the theoretical foundations of the rule of law encompass debates on development, substantive justice, freedom, and the relationship between law and politics.

Political corruption has been the subject of research on its effect on the rule of law. Morris argues that corruption can be conceptually embedded within the rule of law and democracy, leading to blurred boundaries and complicating theoretical relationships among them [15]. Walczak emphasizes that corruption poses a threat to the rule of law and internal security, highlighting the need for a broad understanding of corruption from legal, social, and economic pehighlightin [16]. Hasnas explains that the commitment to the rule of law can have a corrupting effect, particularly when a duty to obey the law is associated with the concept of the rule of law, corrupting both those who are committed to it and the value ititself [17]. Elbasani and Šabić investigate the domestic enforcement of EU-promoted rules on the rule of law and corruption, focusing on the prosecution of political corruption in Albania and Croatia [18]. Ramesh and Vinayagathan find a mixed relationship between corruption and government effectiveness, with control of corruption positively impacting government effectiveness in the long and short run, while the rule of law negatively affects government effectiveness in the short run [19].

III. METHODOLOGY:

Qualitative research method is used to study and analyze the laws and political relationships in countries with Islamic laws.

Data collection is done using documentary sources: studying laws and political documents of Islamic countries, and using secondary data from the Transparency International and relevant university on corruption. (Universität Passau)

Data analysis is done through content analysis and several Islamic countries are selected as samples based on specific elements such as the level of political corruption and governance system.

VI. Discussion:

Countries with Islamic laws face challenges in terms of their laws and political relations.

Political challenges facing Islamic countries include the influence of fundamentalist ideologies on political Islam, the crossing of boundaries between religion and state to serve specific political agendas, and the need for protection against volatility in currency, interest rate, and commodity prices. Legal challenges include the lack of acceptance of derivatives as legitimate products in Islamic finance and the difficulty of communicating in English, which hinders scientific research and publication. Additionally, landlocked countries face challenges in international trade due to the lack of direct access To the sea.[20][21][22][23][24]

Corruption perceptions Index: [25] this is a measure that indicates the rank of corruption in the public sector of a country among other countries around the world. Transparency International ranks countries based on the perceived corruption level among government officials and politicians using the Corruption Perceptions Index. [26]

The Index, which is published annually, is calculated by the criteria set by Transparency International and the University of Passau in Germany. [27][28][29]

Transparency International has offices in 180 countries worldwide and prepares its annual reports based on criteria such as government management in countries, citizens' access to public services, the legal and judicial structure in countries, and the situation of the private sector.[30] The executive director of Transparency International believes:[31]"It's not only the government that is responsible for reducing corruption. Parliament, civil institutions, business owners, media, and even ordinary citizens are also responsible for fighting corruption. Since corruption is undesirable for everyone, fighting it is a shared responsibility."

According to recent reports, Iran ranks 150th in terms of the prevalence of financial corruption among 180 countries, alongside countries such as Guinea, Guatemala, and Tajikistan. Thus, the situation of financial corruption in Iran is worse than countries like Uganda, Bangladesh, Mozambique, and Angola.

Among neighboring countries and the region, only Iraq, Turkmenistan, Afghanistan, Syria, and Yemen have worse situations than Iran. In this region, countries like the UAE, Qatar, and Israel have the best conditions for controlling financial corruption. The UAE ranks 69th with a score of 24.

However, in its latest annual report released on Wednesday, Transparency International states that Iran ranks 147th in terms of the prevalence of financial corruption among 180 countries. Iran's score in terms of the corruption index is also 25. In terms of the corruption index classification, this international organization gives countries a score from zero to one hundred, with a higher score indicating a better transparency situation. Iran was among the most corrupt countries in the previous year.

The archives of reports from this International organization show that Iran's score increased from 25 in 2013 to 30 in consecutive years until 2016 but has since been on a downward trend and remained at 25 from 2020 to 2023. The latest assessment by Transparency International shows that Iran's position among 180 countries in terms of corruption is only one step above Afghanistan.

According to this report, Denmark, Finland, New Zealand, Norway, and Singapore had the highest scores in terms of the corruption index among the global community, while Somalia, Syria, South Sudan, Venezuela, and Yemen are at the bottom of the table.

In its latest report, this international organization emphasizes that the increase in tensions and wars, especially the Russian military invasion of Ukraine, has fueled corruption worldwide.

Political corruption in Islamic countries is influenced by several key factors. One factor is the adoption of neoliberal politico-economic strategies, which contribute to corruption by weakening the infrastructural apparatus that provides necessary checks and balances [32]. Traditional economic institutions in the Middle East, such as Islam's original tax system and the waqf, also contribute to corruption by limiting checks on executive power and preventing the development of civil society [33]. Additionally, political challenges in Muslim nations are influenced by both external and internal factors, including political Islam and the crossing of boundaries between religion and state [34]. The Islamic faith itself can play a role in corruption, as moral renovation in Muslim societies is easier to achieve once underlying causes like poverty are addressed [35]. Overall, corruption in Islamic countries is a complex phenomenon influenced by a combination of political, social, and economic factors .[36]

Based on the assumptions presented and analyzed, it has been confirmed that political corruption undermines public trust in the political system and government, and hinders citizens' rights and freedoms in governance, as the weakness of the judicial system and legal framework in countries with Islamic laws provides an enabling environment for the growth of political corruption.

In previous studies, we also examined (Morris's) claim that political corruption creates ambiguities in the relationship between the rule of law and democracy, which was confirmed based on the assumptions of my research, stating that political corruption can diminish the rule of law in society and weaken democracy and the rights of individuals that are influenced by the law.[15]

(Walczak), however, investigated the relationship between the rule of law and internal security in his own research, showing that political corruption can also create ambiguities and problems in this relationship. The results revealed that the challenges posed by corruption, politically, economically, and socially, can impact people's lives and jeopardize both national security and internal security.[16]

But in studies conducted by (Hasnas), it is claimed that adherence to the rule of law leads to political corruption and the law should not be given the concept of governance, which is misleading, as we found in the statistics related to the International Transparency Organization that political corruption is very low or non-existent in countries such as European countries, where (Elbasani, A., & Šelo Šabić) have also conducted research on the implementation of European Union laws regarding the rule of law. We found that political corruption is minimal in these countries or does not exist because they value their own domestic laws and are governed by the law, while (Ramesh, R., & Vinayagathasa) confirm that controlling political corruption has a positive impact in the short and long term.[17][18][19]

This issue is important for various reasons. Firstly, political corruption can lead to the weakening of the investment system and economic growth. Secondly, political corruption and weak governance can hinder justice and the realization of the main objectives of the rule of law.

To help address this problem, solutions such as strengthening the judicial system, transparency and accountability of governance, effective legal education, and promotion of a culture of legal awareness can be employed. Additionally, intensifying supervision and oversight of government activities and public officials, as well as the crucial role of media in exposing political corruption, can be effective in addressing this issue. By implementing these solutions and advancing comprehensive and in-depth research in this field, it is possible to improve the rule of law in countries with Islamic legal systems.

Conclusion:

Based on the research conducted in this article, it can be concluded that political corruption has a significant impact on governance in countries with Islamic laws, and serious efforts and structural reforms are needed to combat it. These reforms can include strengthening the judicial system and increasing transparency and accountability in administrative institutions. Promoting a culture of transparency and raising public awareness about the importance of combating political corruption is also of paramount importance. Suggestions for future researchers in this field include:

- 1) *Investigating the deeper relationship between political and economic corruption in countries with Islamic laws.*
- 2) *Comparing and analyzing case studies in different countries to identify patterns and effective approaches in combatting political corruption.*
- 3) *Investigating the role of Information and Communication Technology (ICT) in combating political corruption and optimizing its use in this field.*
- 4) *Evaluating the effectiveness of educational measures and reforms in preventing political corruption and cultivating individuals with ethics and loyalty to principles of justice and transparency. I hope these suggestions are helpful*
- 5) *For future research in this field.*

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