

The Repercussions of Corruption in The Maghreb Countries: A Critical Analytical Study

تداعيات الفساد في الدول المغاربية : دراسة تحليلية نقدية

Guettaf Temam Asma

Faculty of Law and Political Science
University of Mohamed Khieder, Biskra.
Algeria.

asma.guettaftemam@univ-biskra.dz

قطاف تمام أسماء

كلية الحقوق والعلوم السياسية
جامعة محمد خيضر، بسكرة.
الجزائر

asma.guettaftemam@univ-biskra.dz

Submission date: 06/09/2024

Date of acceptance: 28/11/2024

ABSTRACT:

ملخص باللغة العربية:

Corruption is a complex social, political and economic phenomenon that affects all countries and undermines the rule of law. It undermines democratic institutions, weakens economies and contributes to political instability. This study concludes that promoting control, auditing, and preventive measures is essential to effective treatment and for eliminating this phenomenon.

الفساد ظاهرة اجتماعية وسياسية واقتصادية معقدة تؤثر على جميع البلدان وتقوض سيادة القانون. كما أنها تقوض المؤسسات الديمقراطية وتضعف الاقتصادات وتساهم في عدم الاستقرار السياسي. وقد خلصت الدراسة إلى أن تعزيز الرقابة والتدقيق والتدابير الوقائية أمر ضروري لمعالجة هذه الظاهرة والقضاء عليها بشكل فعال.

Keywords: Corruption ; Forms of Corruption ; Corruption Repercussions ; Maghreb Countries.

كلمات مفتاحية: الفساد؛ أشكال الفساد؛ تداعيات الفساد؛ الدول المغاربية.

Introduction:

Corruption is an ancient phenomenon that has existed with the existence of human societies and the political systems that govern these societies throughout history. The phenomenon of corruption is not limited to one people, country or culture without the other, as history books tell us. The phenomenon of corruption varies in size and degree from one society to another, despite the presence of corruption in most political societies.

Problematic:

Given the rampant nature of corruption in the Maghreb countries, the following problem statement is raised :

- What are the most significant repercussions of corruption on the countries and peoples of this region?

Research Objectives:

This study aims to fulfill several objectives, including:

- Identify the phenomenon of corruption by examining its concept and Mechanisms and forms.
- It seeks to analyze the most important repercussions and consequences resulting from the spread of the phenomenon of corruption on the conditions of the Maghreb peoples.

Research Methodology:

In this study, we used the descriptive approach to present information, facts, and concepts about corruption phenomenon and its forms. This approach also facilitates the examination of corruption repercussions on the Conditions of the Maghreb Peoples. Furthermore, we employed the comparative approach to analyze the Maghreb Countries.

Research Strategy:

The subject is addressed through the following plan:

First: Definition of corruption

Second: Mechanisms of Corruption

Third : Forms of corruption

Fourth: The Repercussions of Corruption on the Conditions of the Maghreb Peoples

First : Definition of Corruption

Linguistically, in linguistic dictionaries, the word "Al-Fasad" is derived from the verb (fasada). We say "the thing became corrupt" (fasada al-shay), and it corrupts (yafsudo) – with Damma– leading to corruption (fasadan), making it corrupt (fasid). It is said: "This matter is a source of corruption for it," meaning it causes its corruption. The term "ifsad" (corruption) is derived from the verb "afsada," with the additional "hamza" at the beginning, and the root of the word is "fasada." To say "the person became corrupt" (fasada al-rajul) means that he deviated from what is right, and it is the opposite of righteousness¹. It also signifies nullification; when something is said to be corrupt, it means that it has become invalid and disintegrated².

Corruption also refers to deterioration associated with a commodity, and it is a term that includes all negative aspects of

1 Sayed Abdel Samee, *Economic Corruption and its Impact on Society: A Comparative Jurisprudential Study*, Dar Al-Jami'a Al-Jadida, Alexandria, 2009, p 17.

2 Essam Abdel Fattah Matar, *Administrative Corruption: Its Nature, Causes, and Manifestations*, Dar Al-Jami'a Al-Jadida, Alexandria, 2011, p14.

life. When it is related to a person^[1], it implies a lack of conscience and a weakness in religious morality.

Technically, corruption refers to the deviation of a political and economic system from its original foundations and functions. It includes the disintegration of positive components, such as justice, cooperation, and the common good, allowing behaviors characterized by fragmentation and violence to prevail. In such cases, the interests of a powerful few overshadow those of the general population ^[2].

Definitions by The World Bank : defines corruption as “the use of one’s position as head of a public service for personal gain.” ^[3]

Definitions by International Transparency Organization: defines corruption as “the abuse of public office for private gain.” The World Bank also defines corruption as “the abuse of public office for private gain.” Corruption typically occurs when an employee accepts, requests, or extorts a bribe to facilitate a contract or public tender.

It also arises when agents or intermediaries provide bribes to benefit from public policies or procedures, overcome competitors, and achieve profits outside the framework of

1 Essam Abdel Fattah Matar, Op.cit , p16.

2 Mohamed Al-Qahiri, *Defining Corruption and Ways to Limit It: The Case of Yemen*, Al-Hewar Al-Mutamadin, Issue: 1739, 2006, <http://www.ahewar.org/debat/show.art.asp?aid=81227>, the day: 15-05-2024, time : 14:00.

3 Qabbani Fatima Al-Zahra, *The phenomenon of corruption, its causes, effects, and mechanisms to combat it with reference to the case of Algeria* , Journal of Social and Human Sciences, Volume 14, Issue 01, 06-30-2021, p46.

applicable laws. Corruption can also encompass the exploitation of public office without bribery, such as appointing relatives or directly stealing state funds.

Second : Mechanisms of Corruption

Bribery and Commissions: This involves paying bribes and commissions to employees and officials in the public and private sectors to facilitate deals and benefit businessmen and foreign companies.

Disguised or In-Kind Bribery: This mechanism includes misappropriating public funds and securing advanced positions for relatives, such as sons, in-laws, and other family members, in the civil service and the business sector. This second level is often regarded as the most serious form of corruption prevalent in the Arab region ¹.

This type of corruption is referred to as "small corruption," which should not obscure the existence of what can be termed "big corruption." Big corruption is related to major deals in contracting, arms trade, and acquiring commercial agencies for major international companies. It typically occurs at political and bureaucratic levels. Each can be independent, or they may overlap and unite. Political corruption is often related to manipulating election laws or funding election campaigns, as well as the entanglement of financial interests between politicians and bureaucrats, including their relatives and allies.

Other definitions of corruption highlight the moral aspect, describing it as "a moral deviation of some public officials," which includes bribery, embezzlement, fraud, tax evasion, and similar activities. While this definition focuses on the moral

1 Mahmoud Abdel Fadel, *Corruption and its Repercussions in the Arab World*, a paper presented to the Ninth Arab National Conference, 1999.

dimension, it is significant to note that this dimension is relative and can vary across different societies and historical periods.

As some countries have moved towards privatizing public sector institutions, a new definition of corruption has emerged: "corruption is the sale of state property by government officials to fulfill personal interests." This definition, however, narrows the scope of corruption to a specific type and overlooks other important forms, such as accepting bribes for granting government licenses. Corruption can also occur in government, private institutions, and non-profit organizations. A bribe paid to a government official may be to solicit a decision or action that violates the law, or, in countries with weak legal frameworks, to enforce some of its provisions. One of the most dangerous forms of corruption is when it infiltrates the judiciary, which is supposed to uphold justice and ensure fair prosecution.

In summary,¹ "corruption is an economic, social, and political phenomenon present in all countries, though its severity varies. It is characterized by bureaucrats or politicians exploiting their positions for personal gain. Corruption can be major, affecting national projects like infrastructure, burdening society as a whole, or minor, including lower-level employees, with citizens bearing additional costs to complete transactions."

Corruption occurs² "at the interface between the public and private sectors." Researcher Ackerman states, "Whenever a public official has discretionary power to distribute a benefit or cost to the private sector, incentives for bribery are created." The

1 Al-Mursi Al-Sayed Hijazi, *The Social Costs of Corruption*, Al-Mustaqbal Al-Arabi, Issue (266) 4/2001.

2 Susan Rose-Ackerman, *Corruption and the Global Economy*, (translated by Mohamed Gamal), Al-Ahram Center for Translation and Publishing, Cairo, p 50.

extent of corruption relies on the magnitude of the benefits and costs controlled by public officials and the willingness of individuals and private companies to pay for these benefits or to avoid the costs. Each country must decide when these payments are legalized and when they constitute illegal corruption. The link between money and politics is profound, and each country addresses its complexities in different ways¹.

Third : Forms of Corruption

Corruption manifests in various forms, depending on the perspective from which it is viewed, including how it is practiced, the position of power held by the corruptor, and the context in which it occurs.

A. Forms of Corruption in Terms of How It Is Practiced:

Corruption can take various forms based on its practice, with the most prominent and widespread being: bribery, favoritism, extortion, embezzlement, and fraud. Each of these will be discussed as follows:

1- Bribery:

Bribery involves giving money or goods to invalidate the right or establish falsehood. It can be defined as paying money, either in cash or in kind, to obtain something, whether it is a right or not².

When an employee performs duties based on an agreement with the state and then attempts to exploit his position by

1 Munir Al-Hamash, *Political Economy: Corruption, Reform, Development*, Publications of the Arab Writers Union, Damascus, 2006, p15.

2 Osama Al-Sayed Abdel Samee, *Op. Cit* , p. 48.

accepting a fee for performing this service, it undermines the administration.

This act obstructs its progress, casts doubt on its integrity, and limits access to services or benefits to those who are capable rather than those who are entitled.

Bribery is defined as "the public employee's (or public service provider's) trading in or exploiting their job by requesting, accepting, or obtaining a gift or promise to perform or refrain from performing a job function or breaching their duties¹.

Many researchers view bribery as the root of corruption, or its primary form. Generally, bribery is defined as "trading in or exploiting job or service functions by requesting, accepting, or obtaining a gift, promise, or any other benefit, to perform or refrain from performing a job function².

It is also described as "behavior involving requesting, accepting, or taking money or any other benefit from an employee or someone in his position, for himself or others, in exchange for performing or refraining from performing a job or breaching job duties, with his knowledge."³.

1 Al-Qahouji Ali Abdel Qader, Penal Code, Special Section, *Crimes of Assault on the Public Interest, Human Beings and Money*, Al-Halabi Legal Publications, Beirut, Lebanon, 2001, pp 17-18.

2 Bousquia Ahsen, *A Brief Introduction to Special Criminal Law, Employee Crimes, Business Crimes, Forgery Crimes*, Part Two, Dar Houma, Algeria, 2003, p 35.

3 Alfi Hassan Mohamed, "Methods of Combating Bribery and Abuse of Influence Crimes", "Arab Journal of Security Studies, Riyadh, Kingdom of Saudi Arabia, Issue 3, 1986, p 88.

2- Favoritism:

Favoritism is the preference given to one party over another in offering a service without justification, often to gain certain interests. This includes prioritizing individuals or groups based on personal connections or biases rather than merit or need¹.

3- Nepotism:

Nepotism involves offering benefits or opportunities to relatives or members of one's own party, such as the family, political allies, or regional groups, without justification. It is the exploitation of power or influence to favor or bias specific individuals or groups in a manner that conflicts with laws and institutional standards.

According to sociologists, nepotism arises due to the innate tendency of humans to favor family members, relatives, or friends. It is one of the most significant types of corruption due to its economic and social risks and repercussions on the psychological makeup of individuals. Nepotism is the main reason for the unfair distribution of wealth and resources in a country and the appointment of unqualified individuals to jobs and positions, leading to feelings of injustice and social oppression. The most dangerous form of nepotism is constitutional or legalized nepotism.

This occurs when those in power exploit their constitutional authority to appoint individuals to important positions in ministries, security and defense agencies, diplomatic corps, and state-owned companies, pushing family members,

1 Abeer Musleh, *Integrity, Transparency and Accountability in the Face of Corruption*, Third Edition, Coalition for Integrity and Accountability, Jerusalem, 2013, p 21.

relatives, and friends into these roles without regard to their qualifications or experience. This creates an environment conducive to the spread of corruption and is particularly prevalent in authoritarian and undemocratic countries, or those struggling with democratic transitions.

4. Extortion:

Extortion involves obtaining money from a certain party in society in exchange for implementing interests associated with the job of the corrupt person¹.

5. Embezzlement:

Embezzlement refers to the misappropriation of economic value by those responsible for managing or safeguarding it. For example, when a government official or employee seizes part of public assets owned by the people or exploits them for private gain. Embezzlement is often associated with power, as the embezzler typically exercises a certain level of influence and authority.

While bribery is considered by many to be the most serious type of corruption, it can be even more detrimental when practiced by the ruling class, as it constitutes an organized and continuous looting of public resources.

6. Fraud:

Fraud is used to obtain personal benefits through deceitful practices. Some fraud methods involve bypassing laws and

1 Dalal Ben Samina, Aziza Ben Samina, *"The Spread of the Phenomenon of Administrative Corruption between Theory and Practical Reality"*, National Forum on: Corporate Governance as a Mechanism to Reduce Financial and Administrative Corruption (University of Mohamed Khider Biskra, Faculty of Economics, Commerce and Management Sciences) p 6.

regulations that irresponsibly employ fraudulent mechanisms. One common form of fraud is tax evasion, which affects the national income of society. Examples include smuggling cars in the country, while officials and competent employees ignore the collection of due fees in exchange for bribes from those who smuggled the vehicles¹.

B. Forms of Corruption in Terms of the Position of Power Enjoyed by the Corruptor:

From this perspective, corruption can be classified into two basic forms: political corruption and administrative corruption.

1. Political Corruption:

Political corruption involves the misuse of public power by the ruling elite for illegitimate purposes, such as bribery, extortion, favoritism, and embezzlement. This type of corruption is practiced by those at the top of the political hierarchy or executive authority, encompassing political leaders and decision-makers, starting with the head of the state or ruler and extending to ministers and senior officials. These political leaders often wield considerable powers, not only in enforcing laws and regulations on behalf of the people but also in formulating them.

Political corruption creates a significant barrier between individuals and their democratic rights and freedoms, such as freedom of expression during general elections, freedom of thought, movement, residence, and assembly. The ruling regime often suppresses these rights and freedoms to maintain its grip

1 Dalal Ben Samina, Aziza Bin Samina, Op.cit ,p 5.

on power and to impose its control, policies, and doctrine without opposition¹.

2. Administrative Corruption:

Administrative corruption pertains to deviations and misconduct associated with administrative, functional, or organizational duties. This involves violations committed by public employees during their official duties within the framework of legislation, laws, controls, and individual values.

This form of corruption is typically observed by lower-level government employees in government departments and units. It introduces the everyday challenges encountered by members of society when interacting with government agencies, such as tax administrations, licensing sectors, police departments, and public hospitals.

Fourth : The Repercussions of Corruption on the Conditions of the Maghreb Peoples

The spread of corruption in the Maghreb countries represents one of the most important challenges to good governance, negatively affecting reform and development processes. Although information on this phenomenon remains scarce or almost non-existent, Dr. Rifaat Al-Faouri, Director General of the Arab Administrative Development Organization, demonstrated that financial and administrative corruption has cost the Arab world three trillion dollars over the past sixty years. He argued that mismanagement has offered a strong justification for foreign intervention in Arab countries and the

1 Bilal Amin Zain Al-Din, *The Phenomenon of Administrative Corruption in Arab Countries and Comparative Legislation Compared to Islamic Law*, Dar Al-Fikr Al-Jami'i, Alexandria, 2009, pp 7-8.

exploitation of their wealth, suggesting that governments should have embraced change peacefully to avoid reaching a point of national destruction¹.

The most important negative results of corruption can be summarized across various aspects of political, economic, and social life, causing great harm to the Maghreb countries in the short and long term. When corrupt behaviors become entrenched in society and transition from being the exception to the norm, the following issues arise:

- Undermining moral values based on honesty, integrity, justice, and equal opportunities
- The spread of crime and irresponsibility in society
- Ineffective use of funds or capital flight abroad
- The loss of state funds that could be used for projects benefiting citizens, due to theft or misallocation for personal interests
- Erosion of national belonging due to the presence of opportunists seeking private gain
- Damage to the state's reputation and a decline in trust in public institutions².

1 Al-Tayeb Al-Sadiq, \$3 trillion losses «Arab corruption, "<http://digital.ahram.org.eg>. on Website, Date: 10_25_2022, 12:40.

2 Free Arab Islamic Network "Saudi Arabia declines in the 2012 corruption index.. reasons and results" From the website: <http://www.w3.org/1999/xhtml>, Date: April 20, 2015, Hour: 15:20.

Conclusion:

From what has been discussed, it can be concluded that fighting corruption in the Maghreb countries necessitates genuine political will and the application of principles such as integrity, transparency, and accountability as essential tools. Strengthening oversight, auditing, and preventive measures is crucial to avoiding corrupt practices.

Corruption, in all its forms, is one of the most significant challenges encountered by countries worldwide, especially in the Maghreb region.

Recommendations:

- Supporting independent media efforts to monitor, measure, diagnose, and evaluate corruption levels, and adopting scientific studies to develop objective approaches for measuring corruption, encompassing periodic surveys of corruption perceptions.
- Fostering principles of participation and transparency in the reform process and involving civil society institutions in decisions related to fighting corruption and developing reform plans.
- Encouraging the values of good citizenship through education and media.
- Expanding the use of e-government for completing official transactions.
- Reviewing and developing democratic institutions to promote "good governance" and the values of transparency, integrity, accountability, and justice.

International Transparency Organization also advocates for stricter implementation of the United Nations Convention against Corruption, viewing it as the only global initiative that sets a framework for reducing and eliminating corruption.

It emphasizes the need for applying the convention's provision for establishing a financially and administratively independent anti-corruption body, composed of national figures known for their integrity and independence, alongside concerned civil society organizations operating without external influences. Transparency International argues that the justification some countries offer for not establishing such independent bodies—namely, the desire to avoid inflating the number of independent agencies is unacceptable and unjustified.

Bibliography List:

1. Books:

Abeer Musleh, *Integrity, Transparency and Accountability in the Face of Corruption*, Third Edition, Coalition for Integrity and Accountability, Jerusalem, 2013 .

Al-Qahouji Ali Abdel Qader, *Penal Code*, Special Section, Crimes of Assault on the Public Interest, Human Beings and Money, Al-Halabi Legal Publications, Beirut, Lebanon, 2001.

Bilal Amin Zain Al-Din, *The Phenomenon of Administrative Corruption in Arab Countries and Comparative Legislation Compared to Islamic Law*, Dar Al-Fikr Al-Jami'i, Alexandria, 2009.

Bousquia Ahsen, *A Brief Introduction to Special Criminal Law, Employee Crimes, Business Crimes, Forgery Crimes*, Part Two, Dar Houma, Algeria, 2003.

Essam Abdel Fattah Matar, *Administrative Corruption: Its Nature, Causes, and Manifestations*, Dar Al-Jami'a Al-Jadida, Alexandria, 2011.

Sayed Abdel Sameea, *Economic Corruption and its Impact on Society: A Comparative Jurisprudential Study*, Dar Al-Jami'a Al-Jadida, Alexandria, 2009.

Susan Rose-Ackerman, *Corruption and the Global Economy*, (translated by Mohamed Gamal), Al-Ahram Center for Translation and Publishing, Cairo.

Munir Al-Hamash, *Political Economy: Corruption, Reform, Development*, Publications of the Arab Writers Union, Damascus, 2006.

2. Journal article:

Alfi Hassan Mohamed, "*Methods of Combating Bribery and Abuse of Influence Crimes*", "Arab Journal of Security Studies, Riyadh, Kingdom of Saudi Arabia, Issue 3, 1986 .

Al-Mursi Al-Sayed Hijazi, *The Social Costs of Corruption*, Al-Mustaqbal Al-Arabi, Issue (266) 4/2001.

Qabbani Fatima Al-Zahra, The phenomenon of corruption, its causes, effects, and mechanisms to combat it with reference to the case of Algeria "Journal of Social and Human Sciences, Volume 14, Issue 01, 06-30-2021.

3. Seminar article:

Dalal Ben Samina, Aziza Ben Samina, "*The Spread of the Phenomenon of Administrative Corruption between Theory and Practical Reality*", National Forum on: Corporate Governance as a Mechanism to Reduce

Financial and Administrative Corruption (University of Mohamed Khider Biskra, Faculty of Economics, Commerce and Management Sciences) .

Mahmoud Abdel Fadil, *Corruption and its Repercussions in the Arab World*, a paper presented to the Ninth Arab National Conference, 1999.

4. Internet websites:

Al-Tayeb Al-Sadiq, \$3 trillion losses «Arab corruption, on Website:

<http://digital.ahram.org.eg>Date: 10_25_2022, 12:40.

Mohamed Al-Qahiri, "Defining Corruption and Ways to Limit It: The Case of Yemen" Al-Hewar Al-Mutamadin, Issue: 1739, 2006, From the website:

<http://www.ahewar.org/debat/show.art.asp?aid=81227>,
the day: 15_05_2024, time : 14:00.

Free Arab Islamic Network "Saudi Arabia declines in the 2012 corruption index.. reasons and results" From the website:

<http://www.w3.org/1999/xhtml>, Date: April 20, 2015,
Hour: 15:20.