

The Concept of Corruption and the Evaluation of International Mechanisms to Combat It

مفهوم الفساد وتقييم الآليات الدولية لمكافحته



Chekirine Dilmi ^{1*}, Mohamed Hacene Karim ²

¹ Khmis miliana University, Algeria

d.chekirine@univ-dbkkm.dz

² Khmis miliana University, Algeria

k.mohammed-hacene@univ-dbkkm.dz

Date of transmission: 10/03/2025 date of acceptance: 05/05/2025 date of publication: 01/06/2025

Abstract:

This research aims to examine the phenomenon of corruption and the effectiveness of international mechanisms designed to combat it. A key finding is that competent international institutions are making significant efforts to address and eliminate corruption, which has emerged as a global issue affecting all sectors of a state and hindering development opportunities. However, these international efforts remain weak in comparison to the severity of the phenomenon, encountering substantial challenges at both national and international levels.

In light of the escalating incidence of corruption, it is crucial to establish preventive mechanisms to mitigate its impact. This includes activating legal frameworks to combat crimes associated with corruption, such as bribery, and ensuring that individuals found responsible for these financial and administrative offenses are held accountable

key words:Corruption ; International; Mechanisms; Anti-Corruption; Bribery.

المخلص

يهدف هذا البحث إلى دراسة ظاهرة الفساد وفعالية الآليات الدولية المصممة لمكافحته. ومن أبرز النتائج أن المؤسسات الدولية المختصة تبذل جهودًا كبيرة للتصدي للفساد والقضاء عليه، والذي أصبح قضية عالمية تؤثر على جميع قطاعات الدولة وتعوق فرص التنمية. ومع ذلك، تظل هذه الجهود الدولية ضعيفة مقارنة بجدية الظاهرة، حيث تواجه تحديات كبيرة على المستويين الوطني والدولي.

في ظل تصاعد ظاهرة الفساد، من الضروري إنشاء آليات وقائية للحد من آثارها. ويشمل ذلك تفعيل الأطر القانونية لمكافحة الجرائم المرتبطة بالفساد، مثل الرشوة، وضمان محاسبة الأفراد الذين تثبت مسؤوليتهم عن هذه الجرائم المالية والإدارية.

الكلمات المفتاحية: الفساد الدولية، الآليات، مكافحة، الفساد، الرشوة.

* Corresponding Author,

Introduction:

Corruption is an insidious phenomenon that affects societies across the globe, undermining governance, stifling economic growth, and eroding public trust. Defined as the abuse of power for personal gain, corruption manifests in various forms, including bribery, embezzlement, and nepotism. Its prevalence has garnered significant attention from scholars, policymakers, and international organizations alike, as its ramifications extend far beyond individual cases, impacting entire nations and their developmental trajectories.

The importance of addressing corruption cannot be overstated. It is not merely a moral failing; it is a systemic issue that hinders progress and exacerbates poverty, particularly in developing countries. Many nations struggle with economic backwardness not due to a scarcity of resources, but rather because of the pervasive nature of corruption that permeates their political and economic institutions. This raises a critical question: how can effective measures be implemented to combat corruption and restore integrity within governance structures?

This research seeks to explore this problematic by examining the multifaceted nature of corruption, particularly political corruption, and its implications on governance and societal welfare. The primary objective is to analyze the root causes of political corruption, understand its impact on economic and social systems, and evaluate potential strategies for mitigation.

To achieve these objectives, a qualitative methodology will be employed, utilizing a comprehensive literature review and case studies from various countries to illustrate the complexities of the issue. The research will also incorporate insights from international organizations, governmental reports, and academic analyses to provide a well-rounded perspective.

The article is structured as follows:

1. The Nature of Corruption

- The Concept of Corruption
- Indicators for Measuring Corruption

2. Evaluation of International Mechanisms to Combat Corruption

- Evaluation of Corruption Prevention Mechanisms
- Evaluation of International Cooperation Mechanisms to Combat Corruption

By shedding light on the critical issue of corruption, this research aims to contribute to the broader discourse on governance, accountability, and

The Concept of Corruption and the Evaluation of International Mechanisms to Combat It

sustainable development, ultimately advocating for a concerted global effort to eradicate this pervasive challenge.

The Nature of Corruption

The rampant phenomenon of corruption has prevented countries from exploiting their natural resources and scientific and human capabilities. The widespread prevalence of this phenomenon is the primary obstacle to achieving development in any country.

The first requirement: The Concept of Corruption.

Corruption is a global phenomenon; it is not limited to one country over another, and within a country, it is pervasive, not confined to one sector over another.

First section: Definition of Corruption

Many scholars have provided various definitions of corruption, and we will address some of them:

- Imam Al-Shahabi's Definition: Corruption is the exploitation of power to obtain profit or benefit for an individual or a group, in a manner that constitutes violations of the law and high ethical standards of behavior.¹
- Sayed Ali Sheta's Definition: Corruption is the use of public power for personal gain or to achieve social prestige or benefit for a specific group or class, through methods that result in breaches of the law or ethical standards.²

There is a close link between corruption and the monopolization of decision-making, whether administrative or political, and the relationship between the degree of decision-making monopolization and the accountability process, which is one of the oversight mechanisms on administrative and political work. This relationship is formed by the following equation: Corruption -- Degree of Decision-Making Monopolization -- Freedom of Action --

¹Enam Al-Shahabi, "Factors Affecting Administrative Corruption," Arab Journal of Administration, Vol. 20, No. 02, Cairo, 2007, p. 111.

²Sayyid Ali Shata, "Administrative Corruption: The Society of the Future," Al-Najah Library, Alexandria, 2012, p. 44.

Accountability. Through this equation, the degree of corruption in any administration can be measured.¹

Corruption thrives wherever decision-making is monopolized by an individual, organization, or specific authority, allowing them the freedom to act and make decisions without being subjected to accountability or even fearing any form of accountability from any party. Corruption is a crime based on calculation and thought, not emotion, where an employee secures services prohibited by law, such as disclosing confidential information, breaching trust, or granting unjustified licenses and privileges outside the legal framework.²

From the above, we find that corruption occurs when a decision-making authority seeks to achieve private interests or gains by exploiting an administrative position or public office. This suggests that corruption erodes the public sector of the state, a notion that is largely incorrect, as the private sector is also affected by corruption, perhaps even more severely than the public sector. Private sector employees often seek to obtain contracts and projects through illegal means.

Second section: Theories Explaining the Phenomenon of Corruption

Scholars attribute the spread of corruption to several theories, the most important of which are:

Firstly: Economic Theory: This theory is based on the idea of seeking rent or illegitimate economic returns to achieve private benefits using public means, especially the position or administrative office held by the beneficiary. Economists attribute corruption to the interaction between clients (citizens, politicians, public officials, or ordinary individuals) and individuals characterized by corruption, referred to as "corruption suppliers." According to this theory, corruption is the pursuit of illegitimate income, and this type of corruption can be curbed through serious economic reforms.³

Secondly: Political Theory: Political scholars have varied opinions, with some attributing the phenomenon of corruption to weak state institutions and civil society organizations. They believe that eliminating this phenomenon lies in

¹ Michael Johnson, "Administrative Corruption and Creativity in Reform," translated by Abdul Hakim Ahmed Al-Khuzami, Academic House for Sciences, Cairo, 2009, p. 40.

² Ahmed Mohammed Al-Amri, "Money Laundering Crimes," Al-Obaikan Library, Riyadh, 2000, p. 271.

³ Hassan Al-Jabbari, "Economic Corruption," a conference at Umm Al-Qura University, Kingdom of Saudi Arabia, presentation on www.ressc.info, 20.04.2014, p. 09.

The Concept of Corruption and the Evaluation of International Mechanisms to Combat It

establishing strong state institutions supported by non-governmental organizations, all working together to put an end to corruption in all its forms. ¹

Thirdly: Social Theory: This theory is based on the functional theory in sociology, which attributes the phenomenon of corruption to a flaw in the societal structure, negatively affecting the nature of relationships and behaviors of individuals in that society, in addition to poor living conditions and declining purchasing power due to high unemployment rates, lack of job opportunities, and widespread poverty. These conditions drive individuals to seek illegal means to meet the harsh demands of life. ²

Fourthly: Legal Theory: Proponents of this theory argue that the more legislation is inadequate in addressing corruption or biased towards a specific group or political party, the more it inevitably leads to the emergence of corrupt economic and administrative practices, and even encourages its spread due to the benefits corrupt individuals derive from these laws or the inability of the legal framework to curb these reprehensible actions. ³

Finely: Administrative Theory: This theory attributes the spread of corruption to administrative activities, particularly:

- Financial decentralization, which means multiple channels for spending public funds, making it easier for illegal operations to occur as it becomes difficult to control the mechanisms for monitoring public spending.
- The monopolization of public service provision by certain entities, making the spread of bribery easy to obtain those public services through illegal means. Therefore, the solution lies in eliminating monopolies and distributing these services between the public and private sectors, which helps reduce corruption.
- Employees' disregard for laws that prohibit illegal behaviors.

The Second requirement: Indicators for Measuring Corruption

Actors in the field of corruption are keen to hide and obscure the crime, and they refrain from declaring it. These parties are also keen to maintain the confidentiality of all transactions described as corrupt.

First section: Types of Corruption Measurement Indicators

First: Indirect Indicators

¹Samereference.

²Sobhi Mansour, "Ethics of Public Employment," Publications of the Arab Organization for Administrative Development, Cairo, 2008, p. 194.

³Sobhi Mansour,same previous reference, p. 195.

These are indicators based on studies, reports, and various research in the field of corruption, as well as the results obtained through the work of specialized agencies in combating corruption. They also rely on statistics provided by oversight and accountability agencies in cases related to corruption in all its forms. These indicators do not rely on individuals' opinions or subjective assessments of the phenomenon. These direct indicators can be summarized as:¹

- Public prosecution indicators and reports on corruption.
- The value of payments related to corruption cases.
- Rates of judicial convictions (fines -- imprisonment) related to corruption.
- Seizure of illegally obtained wealth whose origin or total value is from corruption.

Second: Indirect Indicators

These are primarily cognitive processes, unlike direct indicators. They rely on monitoring perceptions of corruption and the general management style through opinion polls conducted by experts who assess the degree and patterns of corruption. This information is issued by international organizations such as Transparency International, the World Economic Forum, and the World Bank.

Most regional and national centers and organizations concerned with studying and monitoring corruption and transparency adopt indirect measurement methods, which measure the perceptions of a sample taken either randomly or carefully, depending on the type of targeted information. This sample is part of the general public or segments that interact with the public sector or specific sectors. Therefore, this type of indicator is criticized for not being very accurate and having shortcomings in its results. Thus, it is difficult to deal with some of this information, statistics, and data related to the phenomenon, as well as comparing countries in their efforts to combat corruption. Among the most important of these indicators are:

- The Corruption Perceptions Index issued by Transparency International.
- The Bribe Payers Index issued by Transparency International.
- The Governance or Good Governance Index issued by the World Bank.²

Second section: International Indicators for Measuring Corruption

These indicators vary according to the definition of corruption by the study entity and the method of collecting information.

¹Samereference, p. 201.

² Bashir Mustafa, "Administrative Corruption and Its Consequences," Al-Arabi Magazine, No. 265, Beirut, 2009, p. 22.

The Concept of Corruption and the Evaluation of International Mechanisms to Combat It

Firstly: Corruption Perceptions Index:

This is the most important indicator used internationally, issued by Transparency International. The index ranks countries based on the perception of officials regarding the existence of corruption. It is a scale with ten grades, from 0 to 10. The grades increase with the presence of corruption, with zero being the worst case and ten being the best on the corruption index scale. ¹

This scale now contains one hundred grades and is a composite corruption index based on data related to corruption, collected through specialized and reputable institutions, reflecting the opinions of business actors across the world. This index also relies on the results of studies from reliable sources using sampling methods, leading to an understanding and estimation of corruption in the public sector without distinguishing between types of corruption. ²

Secondly: Global Corruption Report:

Since 2001, Transparency International has been issuing this report annually. The report focuses on vital sectors in the state and is prepared by experts in the field of combating corruption in various fields to alert to the necessary reforms to limit the phenomenon of corruption.

In this context, we mention the most important reports of Transparency International:

- 2004 Report: Addressed political corruption.
- 2005 Report: Addressed corruption in the construction and development sector.
- 2006 Report: Addressed corruption in the health sector.
- 2008 Report: Focused on corruption in the water sector.

Thirdly :Bribe Payers Index:

Multinational corporations and large foreign companies in 22 countries pay large bribes to obtain major investments, as follows:

- Bribes paid to senior political officials to obtain projects.
- Bribes paid to junior employees to expedite service procedures.

Transparency International uses the Gallup organization to conduct and design surveys of bribe payers. ³

¹Samereference, p. 25.

² See the website of Transparency International: <http://www.transparency.org/publication>, 11.02.2025.

³ The samepreviousreference.

The difference between the Corruption Perceptions Index and the Bribe Payers Index is that the former refers to the prevailing social levels of corruption in major countries, while the latter refers to bribery abroad to obtain investments.

Evaluation of International Mechanisms to Combat Corruption

The phenomenon of corruption is a form of organized crime, and combating it poses a significant challenge at both the local and international levels, hindering the achievement of the objectives of international conventions aimed at limiting corruption in all its forms.

The first requirement: Evaluation of Corruption Prevention Mechanisms

Given the significant development of corruption at the international level, international conventions aimed at curbing this type of crime have been unable to stop the rapid evolution of the phenomenon.

First section: Shortcomings in the Implementation of International Conventions

International and regional conventions have sought to combat and prevent corruption. The United Nations Convention against Corruption, despite some results achieved in limiting corruption, faces difficulties that hinder its performance, as evidenced by:

- In the United States, numerous scandals have emerged, especially those related to campaign financing or what is known as political corruption.
- The Watergate scandal, which involved the U.S. president spying on his rival in the presidential elections and hiding massive financial contributions, leading him to later resign from the presidency.¹
- The convention's failure to address crimes of embezzlement of public funds by global companies.
- Its neglect of computer crimes and forms of corruption related to them.
- The United Nations Convention is an agreement between states and is characterized by the application of the principle of non-interference in the internal affairs of states, which hinders the fight against corruption.
- A significant disparity between states in prioritizing the issue of combating corruption due to the lack of a shared international will to seriously combat corruption.

¹ Emad Salah Al-Sheikh, "Corruption and Reform," Arab Writers Union, Damascus, 2003, p. 23.

The Concept of Corruption and the Evaluation of International Mechanisms to Combat It

As for regional conventions, we find that Arab conventions have not addressed the recovery of assets looted through corruption, nor have they defined what criminal proceeds are. They also did not refer to the measures to be taken to prevent money laundering and did not establish procedural plans to eliminate corruption crimes at the Arab level.¹

Similarly, the European Union Convention against Corruption, despite the political and economic progress of the Union, has not succeeded in putting an end to corruption crimes that threaten the stability and security of Union states. We mention some of the scandals that have occurred in some of these states:

- The involvement of the French company Total in a corruption case in Iran.
- In 2006, Germany witnessed bribery scandals worth one billion euros, leading to numerous investigations.
- Among the repercussions of these failures was Britain's withdrawal from the Union, which shook its foundation and cast doubt on the Union's credibility and effectiveness.

Second section: The Inadequacy of National Laws in Reflecting the Content of International Conventions

Domestic judiciaries face a set of difficulties related to the application of the provisions of the United Nations Convention against Corruption internationally, as the convention itself has failed to implement its provisions due to the difficulties and shortcomings it has encountered, which have been previously outlined. This requires the international organization to reconsider its provisions and seek more effective mechanisms in the field of combating this transnational phenomenon.²

Moreover, domestic laws often lack sufficient legal guarantees to protect whistleblowers and complainants in corruption cases, despite the increasing number of mechanisms aimed at combating this phenomenon. However, there are difficulties related to the guarantees that protect whistleblowers, as corruption crimes are characterized by the difficulty of detection, with

¹ Mohammed Abdul Majid, "Reflections on Electronic Contracts and the Impact of Globalization," Halabi Publications, Beirut, 2010, p. 270.

² Mohammed Abdul Majid, same reference, p. 275.

perpetrators using sophisticated means to obscure the crime and their illegal activities.¹

The absence of legal guarantees protecting whistleblowers of corruption crimes has led them to disappear for fear of retaliation from influential figures in the state. The national project has not ensured that laws related to combating corruption include mechanisms and guarantees to protect whistleblowers, thus involving citizens in this process, which is part of the sense of citizenship.²

Although the United Nations Convention against Corruption emphasized the necessity and importance of protecting witnesses and whistleblowers in corruption cases, the absence of provisions ensuring this protection in domestic laws renders the convention's content meaningless. For example, the Algerian legislator stipulates the protection of witnesses in the Penal Code from all forms of threats aimed at misleading justice, but the actual implementation of this protection is entirely absent. Article 45 of Law No. 06-01 on the Prevention of Corruption has enshrined this,³ so it is necessary for national legislators in general and the Algerian legislator in particular to establish legal mechanisms that ensure full protection for whistleblowers and witnesses in corruption cases.⁴

The second requirement: Evaluation of International Cooperation Mechanisms to Combat Corruption

Corruption crimes have been previously described as dangerous, with perpetrators forming a serious criminal chain that transcends the borders of a single state.

First section: The Effectiveness of International Organizations in Combating Corruption

International organizations are making significant efforts to eliminate and limit the phenomenon of corruption, but without achieving positive results, as these organizations do not have the right to oversee states in this field or the extent to which they respect international conventions against corruption or even adhere to their domestic laws that they establish to control this criminal phenomenon, which are supposed to align with international conventions aimed

¹Hussein Mohiuddin, "United Nations Convention against Corruption," 2010, on the website www.sodanil.com, 20.04.2020.

² Hamza Mansouri, "Legal Mechanisms for Protection Against Corruption," on the website www.startimrs.com, 28.04.2020.

³ Refer to Articles 32 and 33 of the United Nations Convention against Corruption 2010 on the website.

⁴ Refer to Article 45 of the Anti-Corruption Prevention Law No. 06-01.

The Concept of Corruption and the Evaluation of International Mechanisms to Combat It

at combating corruption. The reason for this is the absence of a binding part of the legal rules of those international conventions.¹

The Organization for Economic Cooperation and Development (OECD) has failed, just as the United Nations has failed, because it addressed only the issue of positive bribery, criminalizing only economic institutions and commercial companies, and excluded foreign public officials from criminalization, leaving their prosecution to domestic laws only. Moreover, perpetrators of corruption crimes contribute to tarnishing the reputation of companies, and the laws do not compel these companies to participate in eliminating the phenomenon of corruption crimes. Interpol works to combat corruption but does not achieve the desired results due to the multitude of related crimes spread across countries worldwide, in addition to the lack of transparency in dealing internally with these issues.²

One of the difficulties faced by international organizations in combating corruption is the lack of coordination among them. The difficulty lies not in discovering these crimes but in the absence of independent and credible bodies working to raise awareness of the need to put an end to corruption.

It is also worth noting that major powers control the work of international governmental organizations. For example, the World Bank does not grant loans to countries unless they are subject to American policies, and major powers use this institution to pressure developing countries, regardless of the presence or absence of corruption in these countries. This is one of the significant difficulties faced by international organizations in combating corruption.

Second section: Evaluation of the Efforts of Non-Governmental International Organizations

Non-governmental international organizations focus their efforts on raising awareness and sensitizing about the dangers of corruption. They do not have the authority to deter or punish, as they are merely associations relying on assistance from other entities. Some of these organizations exert pressure on states by blackmailing them with the reports they prepare on corruption, while others turn the fight against corruption into another form of corruption by accepting bribes to cover up corruption cases they discover and have evidence for.

¹FaizaMajbour, "State Reform and Anti-Corruption in Algeria," Master's Thesis, University of TiziOuzou, 2015, p. 194.

²Faizamadjbour, same reference, p. 196.

Non-governmental international organizations see that the lack of deterrent measures in some third-world countries' laws has allowed corruption to spread. This vacuum gives employees the opportunity to evade laws and exploit them for their benefit, which inevitably conflicts with the interests of citizens and the public interest in general. They believe that the weakness of accountability in those countries is due to the existence of corruption networks between administrative employees and those responsible for the system in those countries.¹

Non-governmental international organizations face the problem of lacking the legal authority that enables them. Perpetrators of corruption crimes are not deterred by non-stringent laws, and they infiltrate the administration and judiciary of the state, enjoying significant influence that allows them to escape punishment. Here, these organizations stand helpless in the face of this situation, making their work weak and ineffective in exposing and combating corruption, and making their relationship with citizens strained.

The lack of awareness among citizens and various state agencies is another problem faced by non-governmental international organizations in their work. This has led many countries to refuse to grant these organizations the right to operate on their soil, justifying the corrupt political system and the tendency of a broad segment of citizens to accept the phenomenon of corruption. Here, the field is wide open for corrupt individuals to operate easily without any accountability.

In Algeria, for example, despite the issuance of the latest amendment to the Associations Law in 2012 the mechanisms for accrediting these associations make their spread and multiplicity somewhat difficult, despite the work they can do to expose corruption crimes, report them, and work to prevent them before they occur. In practice, there are two accredited associations: the Algerian Association for Combating Corruption and the National Association for Combating Corruption. In the absence of the implementation of Law 12-06, the work of these associations remains weak and does not meet the aspirations of civil society.

Conclusion :

In this research, we explored the multifaceted nature of corruption, emphasizing its moral implications for society and the significant burden it places on national economies. The findings reveal that corruption has far-

¹ Malika Firmis, "The Role of the State in Development," Doctoral Thesis, Constantine University, 2012, p. 406.

The Concept of Corruption and the Evaluation of International Mechanisms to Combat It

reaching effects on development and the effective utilization of national resources for the public good.

The results indicate that combating corruption is particularly challenging due to the sophisticated methods employed by offenders to conceal their actions and the pervasive nature of corruption that transcends national borders.

To address these issues effectively, we recommend a multi-pronged approach that includes enhancing transparency in governance, strengthening legal frameworks, and fostering international cooperation. Additionally, public awareness campaigns can empower citizens to recognize and report corrupt practices. By implementing these strategies, we can work towards mitigating the harmful impacts of corruption and promoting sustainable development for all.

Bibliographie

1. Enam Al-Shahabi, "Factors Affecting Administrative Corruption," Arab Journal of Administration, Vol. 20, No. 02, Cairo, 2007.
2. Sayyid Ali Shata, "Administrative Corruption: The Society of the Future," Al-Najah Library, Alexandria, 2012.
3. Michael Johnson, "Administrative Corruption and Creativity in Reform," translated by Abdul Hakim Ahmed Al-Khuzami, Academic House for Sciences, Cairo, 2009.
4. Ahmed Mohammed Al-Amri, "Money Laundering Crimes," Al-Obaikan Library, Riyadh, 2000.
5. Hassan Al-Jabbari, "Economic Corruption," conference at Umm Al-Qura University, Kingdom of Saudi Arabia, presentation on www.resscra.info, 20.04.2014.
6. Sobhi Mansour, "Ethics of Public Employment," Publications of the Arab Organization for Administrative Development, Cairo, 2008.
7. Bashir Mustafa, "Administrative Corruption and Its Consequences," Al-Arabi Magazine, No. 265, Beirut, 2009.
8. Emad Salah Al-Sheikh, "Corruption and Reform," Arab Writers Union, Damascus, 2003.
9. Mohammed Abdul Majid, "Reflections on Electronic Contracts and the Impact of Globalization," Halabi Publications, Beirut, 2010.
10. Hussein Mohiuddin, "United Nations Convention against Corruption," 2010, on the website www.sodanil.com, 20.04.2020.

11. Hamza Mansouri, "Legal Mechanisms for Protection Against Corruption," on the website www.startimrs.com, 28.04.2020.
12. Articles 32 and 33 of the United Nations Convention against Corruption 2010.
13. Article 45 of the Anti-Corruption Prevention Law No. 06-01.
14. Faiza Majbour, "State Reform and Anti-Corruption in Algeria," Master's Thesis, University of TiziOuzou, 2015.
15. Malika Firmis, "The Role of the State in Development," Doctoral Thesis, Constantine University, 2012.