# Mechanisms To Prevent Administrative Corruption Between Management Science And Anti-Corruption Law Measures

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## Abstract:

Corruption is a plague that ravages society, and its spread in state institutions is the most dangerous obstacle to economic development. The emergence of this plague has been linked to the desire of man to obtain material or moral gains through illegal means.To prevent this scourge, work ethics and legal measures were created in the Constitution and in the Law on the Prevention and Combating of Corruption, which must be applied in the work environment. Most of these ethics and measures urge the employee to perform his work in the correct manner, or better expressed, in a professional manner and with correct behavior.

**Keywords: Corruption, Ethics, Measures, Management, Law**.

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## INTRODUCTION :

Administrative corruption refers to all violations committed by a public employee while performing his job duties,violating all laws,regulations and instructions governing his job.[1]Whatever its causes or methods, it has dire consequences, especially on the national economy.

The phenomenon of administrative corruption is primarily a moral problem that leads a person to degenerate in his behavior in a way that makes him not control his mind, which God has distinguished him with from other creatures, so he surrenders to his whims and desires, thus descending to the lowest degrees and ranks.

Therefore, the international community has settled on a modern strategy based on the two mechanisms of prevention and then combating corruption crimes, such as the African Union Convention on Preventing and Combating Corruption [2]and the United Nations Convention against Corruption[3]. It was imperative for the national legislator to follow the same path by establishing in the law on preventing and combating corruption[4] a set of measures aimed at eliminating the phenomenon of corruption that disrupts the national infrastructure in various economic, social and political fields, in its infancy.

The aim of this intervention is to extract the benefit of combining the work ethics established by management scholars and the measures of the law to prevent and combat corruption to avoid administrative corruption, in an attempt to enrich the national

system and motivate national organizations, whether economic or societal, individuals or groups, by defining their role in preventing and then combating corruption.

So how do we avoid the evil of administrative corruption by combining work ethics and the measures of the amended and supplemented law to prevent and combat corruption? Since prevention is better than cure, this is the problematic of the intervention that we address within tow axes: tools of work ethics to prevent administrative corruption (the first title), measures of the Anti-Corruption Law to prevent administrative corruption (the second title).

## 1. Work ethics mechanisms to prevent administrative corruption.

Ethical behavior changes within the limits of the situation and the single case, and on this basis, the individual can be good in one case and bad in another. Since following good ethics at work is something that every worker in the organization must be keen on, managers will not depend on the extent of the workers' commitment to work ethics based on their personal conviction, but they need to oblige them to do so (the third subtitle) as part of the work requirements, by first determining what is ethical and what is unethical (the first subtitle) from serious and objective sources (the second subtitle) so that everyone adheres to it.

### 1.1. The concept of work ethics.

Some management scholars[5] have defined work ethics as: "A set of principles and standards that govern employee behavior. These general principles and standards are related to determining what is wrong and what is right in a given situation."

Commitment to ethical principles at the organization[6] level is of great importance as it allows for:

- Achieving financial returns from ethical commitment, which is the opposite of the traditional perspective that sees a conflict between achieving the interests of the business organization represented by material profit and commitment to ethical standards.[7]
- Enhancing the organization's reputation locally or internationally, and giving it high credibility.

Ignoring ethics at work leads to negative reactions from others dealing with the organization. On the other hand, the organization obtaining internal and external certificates and recognitions carries within it recognition of an ethical and social content that encourages dealing with the organization, which increases its opportunities for growth and prosperity.

Ethics at work are divided into two sections in terms of organization[8]:

- Literature related to management and workflow: It aims to facilitate workflow and enhance productivity among individuals, and Japanese companies are undisputedly distinguished in applying this branch.
- Literature related to employee ethics and behavior among themselves: It aims to improve employee ethics and break down barriers arising from differences in their races and affiliations.

Some jurisprudence[9] has taken moral rules as a source for most legal rules, such as rules that order not to kill or steal or to pay off debts, as they are moral and legal rules at the same time. Therefore, the law is less broad than the scope of morality, as the law is less severe due to the requirements of interest and necessity, while moral rules always aim at complete reform and absolute perfection, and the same applies to the lapse of debt by prescription in law, while morality does not permit that. Although legal rules are characterized by being mandatory, while moral rules are imposed by the conscience of the individual or the public conscience derived from his religious belief without state intervention, the law is nothing but moral rules when they are mandatory.

**1.2. Business ethics resources.**

The basis of work ethics is present in the work organization itself; it is formed from several different sources, whether these ethics are from the individual's environment or from the influences of the work institution on him, and they may be external influences, whether positive or negative; these influences affect his professional life. Jurisprudence has crystallized them in five sources as follows:

- Religious source:this source represents in the Islamic society, the most important source of ethics in general[10], including work ethics; the latter is provided by the religious source to create self-control in the individual; the professional can evade political, social or legal control, but he cannot evade the control of God Almighty.

This source also includes the principles and regulations that achieve human and societal happiness in all fields, and the general rules that are valid for guiding people and organizing their lives at all times and places. They are the orders and prohibitions that the scholars of the nation have established after deriving them from the Qur'an and Sunnah, to organize their lives by preserving people's rights, and defining their duties to spread justice and equality among them, in the form of: discipline in time, avoiding favoritism, putting the public interest before private interest, not disclosing work secrets, and not accepting bribes.

-Social Source: A society that is dominated by harmonious political, social or ideological values must have its members transfer these values to the organization and they will be reflected in their performance of their duties. If these values are positive, they will ensure that violations and ethics are put to an end and the aggressor is punished and no one individual is taken into consideration for his prestige or position

in society. However, if customs and traditions are social diseases, these patterns will be transferred from behavior to the work institution and encourage individuals to adhere to their narrow interests without the public interest[11].

- Economic source:The prevailing economic conditions in society control all its members, including professionals and administrators; as difficult economic conditions often push members of society to behavior patterns far from moral standards.

If a person lives in a comfortable economic situation, and can live with dignity with his family members; it is easy to expect him to have high morals and a firm commitment, but in the opposite case, he is expected to deviate, cheat, bribe and exploit his position, which is what made the companion Omar bin Al-Khattab freeze work with the punishment for theft in the year of Al-Ramada[12].

-Political Source: When a professional performs his duties under existing political conditions, his behavior is affected by the nature and characteristics of these conditions. A political system that takes the public interest as its goal must believe in freedom, transparency, democracy, and accountability. Therefore, this system leads to the flourishing of professional ethics. As for a political system that lacks judicial, administrative, and popular oversight, and tends toward tyranny and injustice, it leads to the nurturing of immoral behavior at the level of individuals in general and at the level of individuals in the profession in particular.[13]

-Civil Service Legislation: The set of legislations and laws issued based on the legislative sources in force in countries are considered important sources of ethics because they regulate and control the management of the administration in the direction that it sees as serving the state's policy and achieving its goals. From another perspective, because based on that, they work to define the duties and responsibilities of the job, which is the basic pillar in administrative organization. It shows what duties the job imposes and what prohibitions must not be approached in this job.

### 1.3. Ways to instill work ethics.

There are some proposed mechanisms from a business ethics perspective that can be followed to achieve reform in sectors that have suffered from administrative corruption or to avoid its evil and nip it in the bud. These mechanisms can be classified into two areas: an area related to modern management methods, and an area related to codes of conduct.

Modern management methods that have been passed down to us through globalization and the era of technological openness in which we live are numerous and varied, into the following patterns:

– Self-management:is very important, and it means: "The ways and means that help a person make the most of his time in achieving his goals and creating a balance in his life between duties, desires and goals."[14]

The individual must work hard to manage himself to keep himself away from suspicions and the path of the forbidden, thus achieving his goals through what is permissible and staying away from the path of the forbidden.

- Change Management:witch means: "A series of stages through which the transition from the current situation to the new situation takes place." Among the variables that impose change on society: the degree of suffering from the harshness of the current situation and the extent of the clarity of the benefits and advantages that the change will achieve.[15]

- Crisis Management:Administrative corruption is not only a crisis in itself, but it is a generator of multiple crises within the organization. To treat administrative corruption from a crisis management perspective, the following steps can be followed:[16]

Forming an integrated team that works in cooperation to eliminate administrative corruption and its causes within the organization.

Solving the problems associated with administrative corruption by identifying the problem, conducting consultation, and then choosing the most appropriate solution from the available solutions to get out of the crisis.

As for the topic of the intervention, which is (administrative corruption), we find that the degree of suffering from the harshness of the living situation due to administrative corruption during the rule of the former regime, requires us to benefit from change management to move to a better situation, because corruption has its branches.

-Management by objectives: This approach emphasizes the necessity of teamwork with a team spirit, and effective and positive participation between the leader and the subordinate, and achieves self-control in order to achieve the goals[17], as one of the causes of administrative corruption is the ambiguity and lack of clarity of the goals, so every organization seeking to treat the phenomenon of administrative corruption must practice the management by objectives approach.

- Communication Management: Communication means exchanging information and views and expressing feelings and emotions. In communication management, questions must be encouraged, ideas raised between employees must be exchanged, criticism must be directed at the right time for wrong work, and a positive climate for communication must be created that allows for accepting the ideas of others.[18]

One of the causes of administrative corruption is the insufficient communication between the president and his subordinates. It was necessary to pay attention to communication management and practice it effectively so that the manager can correct the wrong situation within the organization at the right time.

-Participatory management: Participatory management means:“sharing capabilities and performance with everyone and relying on consensus.” Every individual in the organization must have an opinion and a voice that is heard so that he considers himself part of the organization and loyalty to it is generated within him.

This trend is not new to Islamic thought, as God Almighty says in describing the Qur’an:

(وأمرهم شورى بينهم)[19] .

- Quality Management: this management seeks continuous improvement, and the continuous improvement that quality seeks is not limited to the service or product, but extends to include the level of efficiency in job performance and the development of relationships based on frankness and trust between employees in the facility.

This trend is not new to Islamic thought, as God Almighty says in describing the Qur’an:

( قل لئن اجتمعت الإنس والجن على أن يأتوا بمثل هذا القرآن الكريم لا يأتون بمثله ولو كان بعضـــهم لبعض ظهيرا) [20].

If the organization takes into account quality in its performance on the individual level and on the organizational level, it will stay away from one of the causes of administrative corruption.

-Engineering "Re-engineering of administrative processes":Engineering is an Arabic word derived from the combination of the words engineering and management, and is defined as: (the fundamental rethinking and radical redesign of administrative processes to achieve fundamental improvements in critical performance measurement standards such as cost, quality, service and speed, and it is an approach to achieving radical development in corporate performance in a relatively short time)[21].

It is the dismantling of the administrative apparatus of the institution, organization or company from the ground up and the re-engineering of its management systems and operations and then building them in a completely new way, keeping pace with the requirements of the era with the optimal exploitation of the technological and information revolution[22].

While the codes of conduct include a list of work ethics set by a specialized body appointed by the organization, these codes help to:[23]

- Make the path clear for the employee and keep him away from the tension arising from fear of the future and fear of injustice in terms of promotion, bonus or even dismissal from work.

- Transform from a state of disorder to order by calming the disturbances and differences arising due to human nature and the constantly changing environment, and it also helps each person to get his right.
- Strengthen the individual's personal motivation to not break the laws, and enhance the cohesion and interaction of employees better.
- Save time arising from each person asking the other how can I do this or do that, and save time from saving money.

Because managers will not rely on the extent of employees' commitment to work ethics based on their personal convictions, but rather they need to oblige them to do so - as we mentioned earlier - the codes of conduct are provided with means to establish the work ethics they include and oblige those addressed by them to adhere to them, the most important of which are: developing self-control, establishing precise and clear systems and communicating them to employees, good role models represented by managers and group leaders, correcting religious and then national understanding, establishing standards for accountability, and continuous evaluation of employees and workers[24].

The Anti-Corruption Law stipulated these codes in article 7.[25]

**2. Anti-corruption law measures to prevent administrative corruption.**

Law No.06-01 is considered a framework law for all corruption crimes, as it includes a preventive approach, which makes it a law with an identity and specificity that is manifested in a set of mechanisms included as legal principles distributed between the public sector and the private sector. For the public sector -the subject of the intervention - they are represented in the rules for managing these sectors, whether in the field of employment or managing public funds with transparency in the face of the public.

**2.1. Public sector employment rules.**

The legislator expanded the concept of employee in the Law on Prevention and Combating Corruption[26] compared to its concept in the Administrative Law, all with the aim of expanding the scope of criminalization to include various categories that may be involved in corruption crimes as well, in order to ensure effective combating of this type of crime.

This is one of the most important reasons for the spread and prevalence of the phenomenon of corruption, assigning responsibility to unqualified persons for it, as this type of position requires that those in charge of it enjoy credibility, integrity and competence, which is what Article 7 of the United Nations Convention against Corruption[27] and Article 3 of the Law on Prevention and Combating Corruption stipulated[28].

It is clear from what the previous texts included that the competent authorities must adopt the objective standards and conditions stipulated by law in order to appoint officials with these specifications in senior administrative positions.

On this basis, a set of principles were imposed in the previous texts of the United Nations Convention against Corruption and the law on preventing and combating corruption, which stipulated the necessity of adhering to the conditions for joining jobs, adhering to the principle of equality in joining the public service, in return for the necessity of providing adequate wages commensurate with the economic situation of the employee's country and ensuring continuous training to improve the level of employees and improve their behavior during the exercise of their job activities.

Referring to the basic law of the civil service, we find that it addressed the conditions of employment[29],but without referring to the previous principles that came with the United Nations Convention against Corruption and established its rules in Law No. 06-01 on preventing and combating corruption.

**2.2. Declaration of assets.**

Algeria's legislative policy regarding corruption crimes is based on a pre-emptive system that imposes well-studied mechanisms in an attempt to reduce their occurrence. The most important of these mechanisms is the mechanism of declaring assets, as a pre- and post-control of the financial status of the person holding the position, in order to preserve public money and prevent its theft. According to its provisions:

- Personal scope: i.e. persons obligated to submit their declaration of all their assets, namely public employees whose meaning was expanded by Article 2 of the law on the prevention and fight against corruption to include every person known in this capacity or those in a similar capacity, such as elected, temporary, and permanent employees who provide a public service with or without pay, regardless of their rank or seniority. This appointment, which finds its basis in Article 24, last paragraph, of the Constitution, which obliges every employee to declare his assets before, during and after the end of his job, which increases the effectiveness of the asset declaration mechanism.

- Subject scope: The asset declaration provided for in Article 63 of the Law on Prevention and Combating Corruption contains an inventory of the real estate and movable property held by the subscriber or his minor children, even in common, in Algeria and/or abroad.

The declaration is mandatory and must be signed by the obligated public employee within the month following the date of his appointment to his position or the beginning of his term. It is an initial declaration. The declaration is renewable and is an automatic declaration made by the employee immediately after each significant increase in the

financial liability. While the declaration is final and must be made by the employee at the end of the electoral term or at the end of the service, for which the legislator has not set any deadlines, which opens the way for evading the declaration and postponing it due to the lack of a specific deadline for making it.

- Effects resulting from the declaration:Where the Algerian legislator did not focus the jurisdiction in a specific body to receive declarations of assets, as there is no single body that monopolizes this process, and by referring to the provisions of the Law on the Prevention of Corruption[30],we find that the jurisdiction to receive the declaration of assets is attributed to several bodies, namely the High Authority for Transparency, Prevention of Corruption and Combating it, the First President of the Supreme Court, the declaration before the supervisory authority, and the declaration before the direct hierarchical authority according to the status and position of the employee concerned with the declaration.

For persons who make their statements before the First President of the Supreme Court, with the exception of judges, the content of their statements is published in the Official Gazette within two months following the date of the election of the persons concerned or their assumption of their duties.

However, the text of the article did not precisely specify the procedures for publishing the declaration of assets, nor did it impose any liability for non-compliance, especially since these statements, i.e. those submitted to the First President of the Supreme Court, are not sent to the High Authority for Transparency, Prevention and Combating Corruption[31].

Also, the intended publication is for the initial declaration, and there is no phrase indicating that the renewal and final declarations are subject to the same procedure. As for the declaration specific to judges.

**2.3. Transparency in dealing with the public.**

Transparency generally means the ability to see things behind something, and thus see these things clearly and know their truth and essence[32]. It is the opposite of secrecy, and is also known[33] as disclosure between the government and the people through their representatives or civil society; in other words, the public administration is committed to providing the necessary means that guarantee knowledge and awareness for all regarding the truth of its activities and work through disclosure, openness and clarity, and thus the ability to question and hold it accountable.

Therefore, the Algerian legislator stipulated the principle of transparency in the Law on the Prevention and Combating of Corruption[34], where it stipulated the necessity of taking the necessary measures to enhance transparency and rational responsibility in the management of public funds in accordance with the law.

It has determined how to add transparency to the management of public affairs by adopting procedures and rules that enable obtaining information related to their organization, operation and how decisions are made, simplifying administrative procedures, publishing awareness-raising information about the risks of corruption in public administration, responding to citizens' petitions and complaints, providing reasons for their decisions when they are issued against the citizen's interest and clarifying the applicable methods of appeal.

The legislator also established a set of special rules. These rules, in their entirety, constitute the element of transparency and make its framework more prominent in the form of:

-Transparency procedures in public contracts[35],which are: public information related to the procedures for concluding public contracts, advance preparation of the conditions for participation and selection, and setting objective and accurate criteria for making decisions related to concluding the public contract.

-Participatory democracy in local communities is based on the principle of transparency in the work and activities carried out by the public administration[36], with the aim of informing citizens and involving them in political life in order to manage their public affairs. The principle of transparency is an obligation on the part of the administration to disclose and announce its will in the form of decisions[37], and in return it is the right of citizens to be informed of the work, activities and actions of the administration, all of this in order to achieve the principle of participation in political life: such as the publicity of the sessions of the municipal people's council, and informing citizens of the council's deliberations through the means of publication and notification with regard to individual decisions.[38]

In order to establish a strong foundation for the principle, the 2020 Constitution stipulated it in article 9/5.

**CONCLUSION:**

If the mechanisms of work ethics among management scholars and the measures of the anti-corruption law were established to prevent administrative corruption, then an analysis of the jurisprudential and legal texts regulating them has revealed several problems and gaps regarding combining them in the management of organizations, which we summarize in the following results:

- Work ethics in organizations, in contrast to legal measures, lack binding force, even if they are included in codes of conduct, since the anti-corruption law regulated the latter in general and did not specify its mandatory provisions in the form of cases of referring an employee to the disciplinary council when he violates one of the provisions of the code of conduct.

- The work ethics codified in the law on prevention and combating corruption lack the binding force: integrity in declaring assets is lacking due to the obligation to declare the assets of the employee's spouse and children, and the failure to expand the scope of declaring assets in government departments. As for transparency in dealing with the public, it requires the involvement of citizens in the management of public affairs, which is not available in the Algerian local administration due to the lack of administrative information about the importance of citizens' attendance at the sessions of the People's Assembly.

Since work ethics and measures are preventive tools that precede the occurrence of corruption and its damages, they by their nature seek to create immunity and self-control among individuals and groups, incentives that help honesty and integrity, and limits that individuals within the organization or in its surroundings stop at that prevent their tendency towards administrative corruption. Among the measures that can be followed to establish a preventive system against administrative corruption, is reforming the legislative and regulatory system, by strengthening the work of codes of conduct, as well as recommending the following steps:

- Codifying the penalties for violating codes of conduct in the Law on Prevention and Combating Corruption, and subjecting its content to judicial oversight to avoid the formality of its provisions.
- Granting more privileges regarding the independence that must be available in the Supreme Authority for Transparency, Prevention and Combating Corruption, for effective combat.
- Developing preventive measures in the Law on Prevention and Combating Corruption applied with legal deterrence even for transparency in dealing with the public, because complex bureaucracy and routine, for example, and reducing the obstacles to people's interests, makes the citizen resort to devious ways to end his transaction and facilitate his affairs through bribery. In return, improving the financial situation of the employee so that he does not need to take a bribe.
- Paying attention to work ethics, by making employees and workers aware of the religious deterrent and the responsibility placed on them, and intensifying efforts related to ethical awareness at work.
- Activating the role of scientific and practical religious training so that it can play its role in guiding the employee towards ways of acquiring good administrative ethics and adhering to them behaviorally and professionally. Therefore, our national institution must guarantee ethics for its workers and employees, as well as programs against corruption and bribery, by placing responsibility on every manager of the organization to impose adherence to ethics at work.

## Marginalization:

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[2] -Presidential Decree 06-137 of April 10, 2006, ratifying the African Union Convention on Preventing and Combating Corruption, in Maputo in July 2003, Official Gazette No. 24, issued on April 16, 2006.

[3]-Presidential Decree No. 04/128 dated 04/19/2004 ratifying with reservations the United Nations Convention against Corruption, Official Gazette No. 26 issued on 04/25/2004.

[4]-Law No. 06-01 of 02/20/2006 on the prevention and fight against corruption, Official Gazette No. 14 of 03/08/2006, amended and supplemented by Order No. 10-05 of 08/26/2010 (Official Gazette No. 50 of 2010) and by Law No. 11-15 of 08/02/2011 (Official Gazette No. 44 of 2011).

[5]-Bartlett Dean,a critique and interaction of ethics decision-making,british journal of management,vol.14, 2003, p.224.

[6] -An organization is an entity with a unified human collective personality that has a dual appearance, an appearance of internal organization and an appearance of its distinctive external form. This leads to the organization acquiring a personality for those not involved in it, which enables it to enter into real or legal relationships outside its scope, and thus becomes an engineered mass in which individuals play their roles and acquire a new value by virtue of their positioning in an entity that controls the parts that have merged into it. Thus, the organization goes beyond the stage of the relationship between the parts to the stage of the relationship between it and others. This concept applies to all organizations, starting from the business organization and reaching the organization of organizations that is the state or society. We can note that the enterprise is not an establishment or an institution because the first has an economic nature (a special goal) that aims for profit and benefit, and the second has a political, administrative, or legal nature...etc. It seeks towards a (general goal) to provide public services. However, all organizations participate in practicing or implementing a specific function, and play a social role, and consist of independent centers for making and taking decisions and implementing them.

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[15]- Ibid,p.196.

[16] - Hussein Haram, Organizational Management: A Holistic Perspective, Dar Al-Hamed, Amman, 2003, p. 136.

[17]- Ibid.

[18]- Taher Mahmoud Kalaldeh, previous reference, p. 196.

[19]- القرآن الكريم،سورة الشورى، الآية 38.

[20]- نفس المرجع،سورة الإسراء، الآية 88.

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[24]- Ibid, p.172.

[25]- Law No. 06-01 of 02/20/2006 on the prevention and fight against corruption, Official Gazette No. 14 of 03/08/2006, amended and supplemented by Order No. 10-05 of 08/26/2010, Official Gazette No. 50 of 2010) and by Law No. 11-15 of 08/02/2011, Official Gazette No. 44 of 2011.

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[34]- Law No. 06-01 on the prevention and fight against corruption, as amended and supplemented, previous reference, article 11.
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