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Administrative corruption

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ABSTRACT: Corruption occurs in all countries (both in the developed and underdeveloped world), which is a fact. However, there is a huge difference in the extent of it. A unique form of corruption is administrative corruption, which is often (incorrectly) interpreted as political corruption or is confused with it. Administrative corruption occurs at all levels of public administration, from the lowest officials to the state administrative top itself (not to equate career officials and elected officials or politically appointed officials; the latter two cases point to political corruption). In addition, the amounts of money that we are talking about regarding administrative corruption vary widely, from the meager amounts by which officials only improve their standard to the staggering amounts that make officials millionaires. Due to different traditions, cultures, historical facts or customs, and ultimately different religions, the fight against administrative corruption should be adapted to each country or group of countries. What works for Europe does not necessarily work for Asian or African countries. Therefore, the fight against administrative corruption or, rather, against all forms of corruption is specific in each country or group of countries. Consequently, international institutions that participate in or even lead the fight against corruption should adapt to such fact.

Keywords –Corruption, Administration, bureaucracy, economy, corruption forms, corruption

I. INTRODUCTION

The word corruption is derived from the Latin word "corruptus," which means corrupted. In legal terms, it refers to the abuse of a trusted position in one of the branches of power (executive, legislative, judicial) or political or other organizations, with the intent to obtain, for oneself or others, material gain that is not legally justified. And administrative corruption is one of the most common forms of corruption in all branches of government.

Administrative corruption is thus corruption that occurs in most, especially state institutions, where individuals, companies and other entities in their operations face it. However, there are difficulties in precisely defining this type of corruption. The term administrative corruption is often understood as a form of corruption, which mainly involves bribing lower employees to avoid fulfilling obligations or to "jump the queue" when enabling some business (Pope, 2003; Daravani et al., 2012). On the other hand, the term it is often defined too broadly and is thus confused with political corruption or these two forms of corruption are treated as a uniform form of corruption (Philp, 1997; Della Porta and Vannucci, 1997; Mousavi and Pourkiani, 2013; Mousakhani and Rahmani, 2013, Ceva and Ferreti, 2017). But the notion of administrative corruption is certainly broader and does not only involve lower-level employees (admittedly, at higher levels of state administration, it is difficult to distinguish between administrative or political corruption) and classic bribery (other forms of accepting, facilitating or giving undue advantage are also present).

Administrative corruption highlights two aspects of corruption: bribery (or other provision of unjustified benefit) for the provision of legal services, where corruption occurs so that a business starts running smoothly, to speed up matters, etc. In this case, there is no serious violation of the law, only the modified use of it in a way that is not normal, although the procedure is seemingly legal; and bribery (or other provision of unjustified benefit) for the provision of illegal services or illegal acts with a violation of regulations and laws (Pope, 2000, p. 3).

The problem of researching administrative corruption often arises because most researchers equate political corruption with administrative corruption or treat it as uniform corruption, which is a largely erroneous starting point in research on political or administrative corruption (Šumah and Borošak, 2020). Therefore, for better transparency and more relevant research results, it is necessary to treat each type of corruption separately and jointly only in those points of contact that exist undoubtedly (at higher levels of state or public administration).

II. ADMINISTRATIVE CORRUPTION AND THE ECONOMY

Philip's interpretation corresponds to administrative corruption (2001, p. 1), which states that a case of corruption occurs when:

- a civil servant (A) acts for personal gain,
- violates the norms of public office and
- harms the public interest (B),
- with which a third party (C) benefits, who therefore rewards A for access to goods or services that C would not otherwise be able to obtain.

He further states that it is certainly a corrupt act when all four criteria are present in an act. However, only three criteria are present in many examples of corrupt acts. It should be added that a civil servant not only harms the public interest but can, with his action, also harm a third party (D), who is, e.g., excluded from a business or cannot use services or obtain goods because they were unjustifiably acquired by the person (C) – author's comment.

As mentioned in the introduction, corruption is synonymous with bribery and is associated primarily with irregularities or illegal acts in the public sector. Darden (2002, p. 4) is of a similar opinion. According to him, the term corruption should be limited to civil servants' bad practices, which deviate from the hierarchy of command or undermine the integrity of the hierarchy of command, thus undermining the legal rules of the organization in return for achieving personal goals (especially personal gain). However, corruption is a much broader concept that also encompasses morally controversial or perverted acts (which, although not criminal, are worthy of at least condemnation) and violation of moral and ethical norms in both the public and private sectors.

Administrative corruption (in conjunction with political corruption) takes many forms, and it would be surprising if all types of corrupt practices had the same effect on economic performance. Recent empirical research shows that while many countries have suffered a decline in economic growth as a characteristic consequence of corruption, other countries have had economic growth (in some cases relatively high) despite corruption. Analyses show that one of the reasons is the extent to which perpetrators of corrupt practices - in this case, officials - coordinate their behaviour. In the absence of an organized corruption network, each bureaucrat collects bribes for himself while ignoring the negative impact of others' demands for bribes. In such a network, however, the collective bureaucracy lowers the bribe's total value, which results in lower bribe payments and higher innovation, making the economic growth higher.

The expression to oil the wheels can be used in this context - to make things run smoothly, without delay, promptly (MLA, <http://dictionary.reference.com>, 2015). This is a kind of legal bribery (practiced primarily in the US) that makes things go smoothly, without delays; it is a kind of reward to an official in advance for the work done promptly (payments needed or required to get things done smoothly, fast, or more cheaply). The problem arises, turning this reward into a classic bribe, if the official intentionally delays the work and thus blackmails the other party in anticipation of benefit, due to the expectation of a reward, or if this "oiling of the wheels" gives an unfair advantage to the person who gives the reward. Suppose the burden of regulation and delays is caused by outside influence (mainly due to legislation). In that case, paying a "reward" (oiling) can help companies effectively reduce the burdens and delays they face. Otherwise, when the causes are internal (officials themselves cause problems or delay to gain benefits), they represent a burden to companies.

An interesting question is not so much why the level of corruption in poor countries is higher than in rich countries, but why corruption differs between countries. The extent to which corruption is organized is only one aspect of this, but others also exist. For example, it is common practice in some countries to pay the officials ex-post (as a share of profits) instead of paying ex-ante (in advance, as a bribe) to settle a matter, so it is assumed that the effects on the economy are different in each case. The exact reason why corruption should take one form and not another is an important issue that has been largely ignored and could have just as much to do with cultural, social and political reasons as with economic circumstances (Blackburn and Forgues, 2009, p. 808).

III. LEVELS, FORMS AND CAUSES OF ADMINISTRATIVE CORRUPTION

In society, administrative corruption occurs at various levels in the entire state administration (if corruption is observed or treated primarily as a public administration phenomenon). Dobovšek (2008, p. 23) thus defined three emerging levels of corruption. Here it should be added that only the first two cases represent classic administrative corruption (at the macro level, administrative corruption is already mixed with political corruption, and it is therefore difficult to determine what form of corruption is actually involved – author's comment):

- Micro level means giving small gifts to public officials for achieving the desired service, which is the officials' duty anyway. Corruption at this level is tied to those officials who deal with documentation and

license issuing. People are very tolerant of this type of corruption; it has become a part of everyday life, and the amount of unlawfully acquired funds does not exceed the average monthly salary of an official.

- The middle level includes public officials at a higher level. It is most widespread at the local level, where the local politics, with its help, achieves solutions that fall within the competence of the middle level of public officials. The public does not tolerate such corruption; it can amount to a few monthly salaries of an individual official.
- Macro level corruption, on the other hand, is linked to government procurement, to the conclusion of major contracts, the performance of major work in the country (e.g. construction) and other major investments. It is the most dangerous part of the corruption that takes place in the highest social and political circles and is enabled through the abuse of functions and positions, political power, and the abuse of social status. Such forms of corruption usually remain hidden, and if they are detected, the leading players remain undetected. They are usually representatives of elites who, through corruption, transfer large amounts of money.

Kingsley (2015, p. 206), however, divided corruption differently. Based on research, he divided it into three types according to which segment of the public sector it occurs in.

- Individual corruption: Corruption that it is embedded in a relationship or primarily arises in a relationship between an individual citizen and officials or some other state authority.
- Business corruption: Corruption that is embedded in the relationship or primarily arises in the relationship between companies and officials or some other state authority.
- Political corruption: Corruption that takes place among officials in higher public administration positions and at the political level.

We have defined administrative corruption more narrowly than Dobovšek (2008) and Kingsley (2015) because in order to discuss it and get a completely clear picture, it is necessary to clearly define the difference between administrative and political corruption.

Therefore, we used the definition that defines political corruption (Šumah, Šumah and Borošak, 2020) as any irrational and unjustified use or misuse of public money and / or abuse of public authority and / or wilful violation of the law to secure, with the intent to achieve or maintain political power or influence or only personal gain, by an elected or politically appointed official (thus separating political officials from public officials). Administrative corruption is thus separated from political, as it is carried out only in the area covered by public officials who are public administration employees (regardless of the level of public administration where they are employed) and not elected or appointed political officials.

Thus, for administrative corruption research, we used only a clearly defined area of public administration, where civil servants (especially career civil servants) participate in corruption, not elected officials or politically appointed officials.

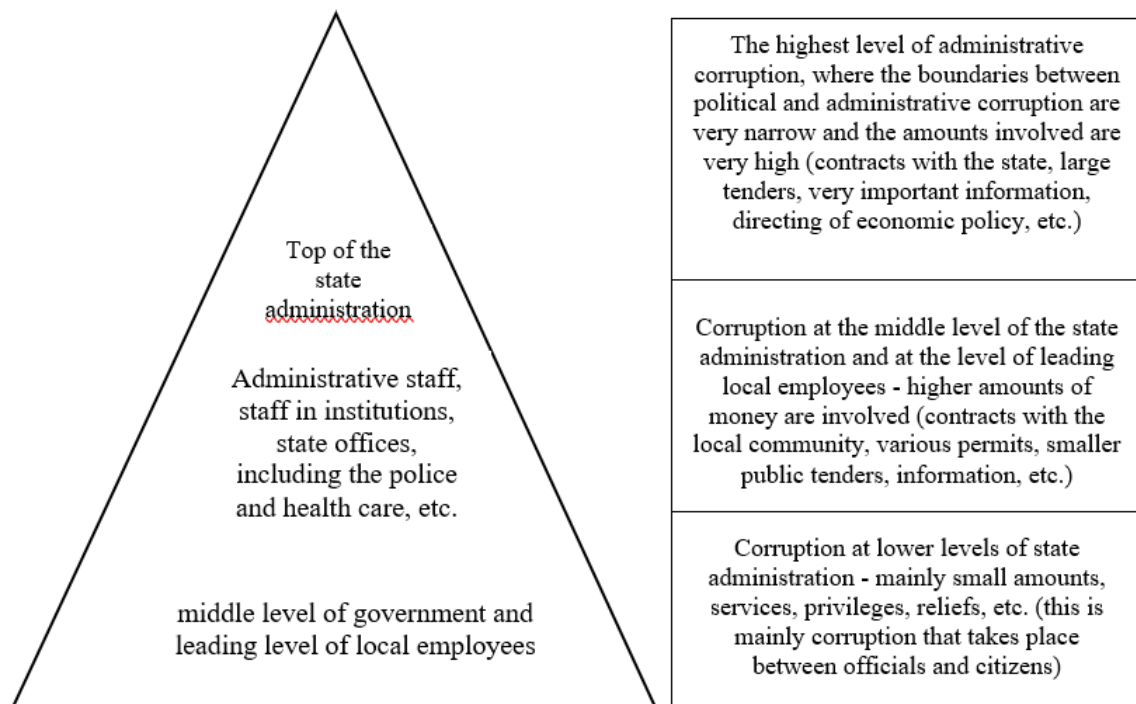


Figure 1: Levels of administrative corruption (own source)

In simpler terms, the lowest level of corruption is when an official who has a whole bunch of things on the desk to resolve puts someone's application on top of the pile (against payment or a gift) - assuming that he works from top to bottom - or arranges an early doctor's appointment, puts in a good word with another civil servant, etc. In short, he regulates and expedites matters, or in some cases, also decides against the law (against payment or gift, or even based on kinship or friendship) in minor issues that affect people's daily lives. However, due to long waits in resolving matters under the authority of lower officials, poor services or even inaccessibility to certain services, those who are harmed do not know what the problem is and have no choice but to get angry. At the middle level, irregularities occur in public tenders of minor value, when officials with influence organize (against payment or gift) tenders for the benefit of specific companies or persons, conclude (legally disputable or unnecessary) contracts, etc. At the third, highest level, where large amounts of money are at stake, officials' corrupt actions go beyond the organization of large infrastructure tenders all the way to the adaptation of state economic policy in favour of narrow groups of influence.

The political and economic environment strongly influences the phenomenon of corruption. The more the economic activity in a country is regulated and limited, the higher the authorizations and officials' power in deciding, the greater the possibility of corruption, as individuals are willing to pay or offer payment to avoid restrictions. In general, there is a high potential for corruption where officials are given the opportunity to decide based on discretion. Simultaneously, corruption is also generated by a lack of transparency and supervision by supervisory institutions. Where there is no sufficient legal basis or political will to control, the non-transparent functioning of both politics and the economy is enabled, making corruption flourish. The phenomenon of corruption is also affected by extensive, non-transparent or incomplete legislation, as laws can be interpreted (especially in favour of the one who pays) in various ways (Šumah, 2018).

Dimant (2014, p. 10) makes a good point saying that the level of efficiency of public administration determines the extent to which corruption can find fertile ground. Such efficiency is determined by the quality of regulations and permits. Ineffective and unclear regulations can help to increase corruption in at least two different ways: (1) an artificially created monopoly of power allows civil servants to obtain bribes, is based on their superior position and is embedded in the system; (2) on the other hand, ineffective and unclear regulations lead to delays and therefore encourage natural persons to pay bribes to speed up the bureaucratic process.

Corruption is also strongly influenced by the low salaries of civil servants, who try to improve their financial situation by receiving bribes; the phenomenon of corruption is thus also influenced by the socio-economic situation. This is also evidenced in the study by Allen, Qian and Shen (2015, p. 8-28), who find that corruption occurs because agencies, institutions and the government can no longer effectively control corruption due to underpaid officials, which is a problem especially in developing countries that do not have sufficient tax revenues to reward local officials adequately.

However, low wages alone are not the only cause of corruption; a strong influence is also the poor state of public administration, resulting from political "overcrowding" among officials that ends in loyalty usually prevailing over professional standards. Some authors also cite work satisfaction as an important factor influencing corruption. The less the officials are satisfied with their work or position, the higher the level of corruption, which is also confirmed by Sardzhoska and Tang (2009, p. 512), who note that the private sector has higher ethical values, especially those that affect job satisfaction, than the public sector, and therefore fewer unethical acts (especially theft and corruption).

This is also indirectly confirmed by Svenson (2005, p. 32), who states that in principle, it is considered that the salary levels of civil servants affect the taking of bribes (the higher the salary, the less likelihood that a person will act corruptly). However, he continues by saying that a higher wage at the same time strengthens the official's bargaining power against the bribe-giver, thus leading to higher bribes. He also states that it would be very difficult to determine whether a higher salary works towards less corruption based on existing research. Nevertheless, it certainly works in certain circumstances and under good control, so the salary level is not the only deciding factor.

Unfortunately, the economy is largely dependent on politics and is often a mirror of the prevailing policy; various opportunities are used to eliminate competition, and bribery is just one of the possible weapons in the fight to get a job. Simultaneously, sometimes the consideration in the economy is as follows: "The cost of a bribe is only an essential business cost. It is an integral part of the contract." Or: "If we stop bribery, our rivals will not.

That is why we have to bribe - to stay competitive." "Bribery and misleading behaviour are not really crimes. They are just part of old business practices. A part of the game. Everybody does it." However, it is often just a matter of "oiling" the bureaucratic wheel by the private sector to get things sorted out faster or easier.

The political impact of corruption, however, is reflected in the proverb: examples lead! Suppose the top of politics (government, parties and leading politicians) is corrupt. In that case, corruption is dragged down over all levels, and at the same time, this evil is spread among the ordinary population, as no one trusts institutions or the rule of law.

So, if we summarize the findings, what are the main causes of administrative corruption (in addition to the causes already mentioned in the previous paragraphs, i.e., low salaries, dissatisfaction of civil servants with work, low professional standards, etc.):

- Corrupt government: such corruption occurs, for example, when ministers or other important political figures extort bribes or decide on projects to be carried out for personal gain, or when the government, in return for political funding or personal gain, provides favourable benefits in terms of contracts with the state or offers protection against prosecution for corruption committed at home and abroad. Such protection only encourages corruption, as those who commit it have little fear of prosecution at home or in the country where the projects are carried out. However, as examples lead, corruption spreads throughout the state apparatus from the top down.
- Lack of a consistent anti-corruption policy in the government: even if the government is not corrupt, the lack of a consistent anti-corruption policy will undermine all the attempts of this government's fight against corruption. For example, if a competent service tries to encourage companies to adopt ethical policies, to regulate anti-bribery laws, to strengthen the prosecution of those companies that have committed bribery or fraud, while another service responsible for other matters (in the same government), whose interests relate primarily to the profitability of a business, demands more lenient anti-corruption laws to protect business interests, lowers the requirements for the disclosure, accountability and prosecution of corruption. On the one hand, the government is thus trying to fight corruption, and on the other, it is jeopardizing such efforts. And in this case, corruption will not decrease.
- Insufficient reporting of corruption: insufficient reporting of corruption generates corruption because perpetrators are not afraid of being exposed.
- Insufficient or inadequate prosecution of corruption: inadequate and insufficient prosecution of corruption will facilitate corruption in both developing and developed countries. If there is no clear evidence that corruption is being prosecuted, unscrupulous individuals and companies will continue to commit it and get rich at the expense of ethical individuals and companies who do not.
- The vulnerability of project officials to corruption: infrastructure projects are usually public sector projects where the state or local community lead and finance a project. Individual officials of the department responsible for the selection and management of these projects may, for a variety of reasons, be susceptible to corruption.
- Vulnerability of other government officials to corruption: other government departments also involved in various infrastructure or development projects (issuance of visas, issuance of import permits, customs clearance, planning permits, permits for land approval, etc.). These employees (especially in developing countries) may have too little incentive to act ethically, especially where they are poorly paid and aware of corruption or are aware of large-scale corruption higher in government circles. Consequently, they may, to improve their income, resort to extortion. Contractors are often in a tough spot and wonder if they will have to comply with extortion requirements, suffer losses and delays on projects, or even have to withdraw completely from a country where extortion is common.
- Lack of publicly available data on corruption convictions: potential lenders, donors and participants should be screened when conducting the due diligence process for a future project. It would also be necessary to find out who the potential main participants in the project are, their employees, joint venture partners and companies from their group, and whether they have been investigated, prosecuted or convicted of corruption. If the countries had a national public register with information on convictions and prosecutions, that would significantly help with due diligence.
- Lack of sufficient data on national infrastructure: corruption that may arise (for example, on a road project) during selection or measuring of a new road for corrupt purposes. The lack of comprehensive and orderly data on the state of national road networks makes it difficult for lenders, donors or financiers, as well as planners, to determine whether a proposed road project (which may have been approved due to the corruption of an official or minister) is genuinely in the interest of the community, and not carried out solely for private purposes.
- Lack of sufficient data on the comparative price of infrastructure projects, materials and methods: lack of such information means that there is no method of assessing whether the offer price is appropriate. Suppose tenderers agree with covert collusion on pricing. In that case, the bidding prices alone will not be a reliable criterion for selection and the project might be greatly overpaid due to lack of measurable data.

IV. CONCLUSION: HOW TO FIGHT ADMINISTRATIVE CORRUPTION

Corruption can occur in any state administration that is responsible for granting and allocating various benefits and imposing obligations. Thus, international development institutions are proposing long lists of anti-corruption initiatives in the fight against administrative corruption, hoping that at least some will be effective.

However, if the solutions are effective in one context or one country, they can be completely ineffective in another.

Both Søreide and Rose-Ackerman argue that anti-corruption strategies for the state administration as an institution should be based on a careful analysis of the root causes and consequences of corruption. Many integrity mechanisms are likely to have the effect of controlling it. Given the lack of resources and the risk of wrong steps exacerbating the situation, reformers should be wary of initiatives whose effects are highly uncertain or misunderstood. Thus, they present the understanding of corruption as a trade in decisions that should not be for sale, with the bribe's size and the consequences of corruption in the function of the bargaining power of those involved. Therefore, they propose to reorganize the decision-making process of the administration to reduce the risk of corruption.

Johnston (2000, p. 9) considers that it would be useful to think in terms of two types of balance; the balance between openness and autonomy of the institutions and the elites that lead, and the balance between political and economic power and opportunities for cooperation. Ideally, institutions should be open to influences and feedback from various sources, but at the same time, they should be independent enough to carry out their work effectively. Where the openness and independence of institutions are in balance and officials are accessible but not overly exposed to private influences, where they can make authoritative decisions but do not use their power to arbitrate, corruption is relatively low. However, where official power is poorly institutionalized and overexposed to private influence, while officials whose independence is manifested by overexploitation of their power can do what they want, there is also a high potential for extreme corruption.

Based on the interrelationships of various influencing factors, a group of researchers (Al-jundi et al., 2019) concluded that a corrupt culture of society (i.e., high acceptability of corruption in society) is the key reason for administrative corruption, as corrupt culture has direct and indirect effects (via weak organizational culture and institutional weaknesses) on it. Therefore, according to the findings of the research, in the fight against corruption, they recommend:

- corporations and government organizations must implement structures and cultures that strengthen effective institutional practices and procedures to eliminate corrupt practices;
- ethical values and practices should be promoted in all corporations and government organizations in order to foster discipline and self-restraint of employees who may be tempted to engage in corrupt activities;
- all employees in companies and government organizations must develop, adopt and sign anti-corruption policies and documents that will show that they are willing to be incorruptible in all their activities;
- legislators should work to adopt legislative instruments that promote good ethical practices and eliminate corrupt practices in companies and government institutions;
- the mass media must strive to promote good governance in part of their program continuously,
- impartial and fair decisions, the rule of law and transparent anti-corruption procedures and structures;
- whistle-blowers who expose and report all corrupt practices in their organizations should be encouraged.

In short, to summarize the previous findings, in order to prevent administrative corruption, it is essential to set clear rules, transparent laws and clear deadlines, without the possibility of excessive influence in state structures both vertically and horizontally. Thus, while limiting the influence, it is necessary to delineate the competencies and work of services according to the principle of subsidiarity, so that one level performs only one task. Also, it is necessary to disable or narrow the possibility of arbitrary decisions by officials.

However, a problem that often arises in the fight against corruption is that people often do not even recognize it, because for them, it is already a part of everyday life or they are already completely used to living with it as it is a kind of folklore (generally typical of countries in transition and developing countries, where a gift to an official for service is almost self-evident) and those who get rich because of it do not receive condemnation, but admiration: "He is resourceful!", therefore, a lot of work should be put into prevention and education, because only if people start realizing that they are the ones who are paying for everything, or that they are at a disadvantage due to corruption (poor roads, more expensive health care, slow and poor services of the state apparatus, etc.), a critical mass is formed that establishes zero tolerance for corruption and only thus is a successful fight against corruption guaranteed.

It should be emphasized that different countries have different bases for administrative corruption. Due to low and irregular salaries in some countries, officials salvage their livelihoods through corruption, while in other countries, officials could live comfortably without it (in such countries, corruption is a means of raising personal standards). Consequently, the answer to how to deal with corruption successfully is not unambiguous, as some countries have achieved great successes in a relatively short period (Singapore, Estonia and Georgia), while others have been struggling with it for a long time (the best-known example is Italy). In any case, the first condition is to ensure freedom (personal freedom, economic freedom, freedom of speech, freedom of the press, etc.) and democracy, and then education and awareness of people. However, the point is not in introducing Western-type democracy as our culture knows it, since that has often caused more harm than good, especially in the case of the army's help. To begin with, the good practices of countries that are similar to each other (religion,

habits, tradition, ethics and morality) and often have a shared history should be used.

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