

## Meaning, Criminological Profile and Anatomy of Corruption



### Criminal Justice

**Keywords:** crime, corruption, criminal acts, Attorney General, Ministry of Justice, Tirana District Court, etc.

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### Abstract

The aim and object of this paper is the identification, recognition, examination and treatment of criminal acts of corruption as a typical form of occurrence in Albania, in general, and with particular emphasis, on the territory of the Prosecution of Tirana District Court during this period, as well as providing some concrete suggestions and recommendations in terms of effective preventive and repressive action against this disturbing phenomenon. Since corruption is perceived as a major risk for violation of the legitimacy of public institutions, targeting the society, morality and justice, studying and researching of these types of offenses is of great social and legal interest, as they are present in everyday Albanian life with severe consequences, often tragic ones, like the Albanian crisis and anarchy of 1997. High level corruption in government and public administration is even more dangerous because, not only does it slow down economic and social progress but it also feeds organized crime, and causes further political and collective instability. This paper is aimed at highlighting the specifics of the Albanian corruption offenses, which obviously apart from classical forms, similar to those of other countries of the world; also have their own characteristics and distinctive features. By reviewing and studying certain investigated and cleared cases of corruption in Albania, both in terms of criminal justice and criminology, we have tried to offer our legal experience in terms of operating techniques, investigation, as well as combating and preventing offenses of such nature for the period researched. During the study and research in the field of criminal acts of corruption, there were used modern scientific methods such as: historical methods, investigative methods, legal methods, comparative methods, individual case studies, survey-observation method, survey and interview method, statistical methods, statistical data, etc. Using these methods and research techniques, we were able to penetrate and deal in depth with many different aspects of criminal acts of corruption in Albania. Also, important data were obtained and analyzed by statistical evidence of the Attorney General, Tirana District Prosecution, Ministry of Justice and criminal materials were studied from Tirana District Court. The content of this publication treats and analyzes the legal meaning and the basic characteristics of corruption in general and that of the Albanian environment, in particular. In historical terms, the appearance of corruption in different social formations is presented. A special place is reserved for the role of public organizations in dealing with corruption. A novelty of the paper is its dealing with the anatomy of corruption, the reactions against it and the political will, the latter being the Albanian "Achilles' heel." The meaning of corruption nowadays is not that of standard outdated notions, such as bribery and the like, but also of new legal concepts which are reflected in the Criminal Code. In order to provide a clearer and coherent reflection about corruption, we will try to examine some basic theoretical concepts elaborated by the researchers, lawyers and different criminologists.

### 1. Meaning and fundamental characteristics of corruption

Research on the meaning and concept of corruption has attracted enough scholars, jurists, criminologists and sociologists, foreign and domestic, in order to have a real reflection and a certain adequate concept or formulation.

It is known that the cause and consequences of corruption and the fight against it, today have become the main agenda of politicians and policymakers, different experts, international institutions and numerous scholars of this field. In this effort, we would like to mention the involvement of the World Bank, which in its conclusion drawn for this purpose has stated that "economic development is closely related to the reduction of corruption." On the contrary, the concept of corruption has not attracted much attention. Even those few studies conducted about the concept of corruption are more focused on the causes, its consequences and ways to combat it, rather than on the treatment of socio-juridical concept of corruption. What we find today is the fact that, in many respects definitions about corruption are immature.

According to the etymological meaning of the word, corruption comes from the Latin verb "corruptus" (to be broken); while literally it means a broken object. Some others put the emphasis on cooperation and divide

the Latin word into two parts: *rumpere*, which means breakage, and *co*, which means more than one person, for example, breakage through collaboration. Conceptually, corruption is a form a behavior which depends on the ethics, morality, tradition, law and virtues of society. Corruptive are considered those practices which oppose a generally accepted morality. Corruption in public administration is related to disregard towards professional ethics of public officials and the relevant legislation.

What does “to corrupt” mean? To corrupt means to spoil someone's moral for certain purposes; to push someone through bribes, etc., to break the laws or act in contrary to the position one holds, in order to provide services.

The definitions for the term “corruption” are numerous. In most cases, the definition of the term is connected to the country where it is used. But more broadly, “corruption” means the misuse of the position, authority “office” for personal benefits. The “office” is a position of trust where the person concerned has the authority to act on behalf of an institution, whether private, public, etc. “Corruption” means putting an illegal price to a service or “use” of the power of the office to promote dishonest purposes. “Corruption” includes acts when something is ignored not to be done for specific purposes and acts when a commission is received for the act in question. Corruption can be internal or external.

Corruption acts differ in composition and type. Some sort of corrupt acts are like “free-lance” (free meal) where individuals and small groups try to exploit monopoly positions to generate perquisites.

Many authors have compared it with the foul in football. Systematic corruptive acts generate economic costs by eliminating positive initiatives, political costs undermining institutions and social costs by redistributing wealth to those who do not deserve it. When corruption undermines property rights, law enforcement, investment initiatives and economic and social development shrink. The recent publication of studies in the world and at home have enabled familiarization with the meanings of corruption and dangerous manifestations of corrupt practices in the form of corrupt lobbyists, favoring corruption, corruption protectionism, secret payments for political purposes, criminal privatization, gaining positions in public administration, imposing fees and taxes, impact on passage of laws, influence on the executive or judiciary or that of public information, mixing of public administration with private enterprise activities, etc.

*The question which is raised today is: Is there a possible definition for corruption?*

Over the years, a debate has been conducted in academic circles as well as in political, national and international governmental circles about the legal definition of corruption. At a conference of the Council of Europe, held in Malta in 1994, corruption was defined this way: “Corruption is taking bribes, as well as any other behavior related to persons entrusted with responsibilities in the public and private sector that violate rights arising from their status as public officials, private employees, independent agents and other similar types, which aims at gaining unfair benefits of any kind for themselves or for others.”

While five years later (in 1999), the EC Civil Convention, determined that “corruption means requesting, offering, giving or accepting, directly or indirectly bribe or any other advantage or benefit that distorts performing any duty, or behavior required of the bribe recipient, as a consequence of the unjust attainment of the benefit.”

In both legal definitions given above, we can say that corruption contains the combined effects of monopoly power and discretion in decision-making and the degree of seriousness. This means that government officials or officials of different levels have the opportunity to collect gains from corruption due to the degree of

their monopoly over a service or public activity, their discretion as to who will gain more, as well as the importance of their activity.

As our researchers in this field have underlined, the definition of corruption is related to the fact that, it exists always when the official or employee of the public administration will administer his own interest or that of others, sources of income (of different type, money, various goods, etc.) that do not belong to him, by making or not (action or inaction) the decisions, or failing to perform his functional duty.

The classical definition given by the World Bank and Transparency International defines corruption as the use of public position for gaining private illegal benefits.

This definition can be interpreted by us as an abuse of power and creating personal benefits, both in the public and private sectors, and in most cases based on an agreement between individuals belonging to both of these sectors. The social concept treats corruption as a behavior of private individuals or public officials who deviate from their responsibilities and use their position to maintain power in order to achieve their goals or gain private hefty profits.

The UN global program against corruption defines corruption as “an abuse of power for private gains,” covering both the private and public sector. Although it is perceived differently in different countries, corruption means the following behavior: conflict of interests, unfair gaining of funds, fraud, bribery, political corruption, nepotism. The main institution that calculates the main index or coefficient of corruption in a particular country or region, or continent, is Transparency International. In recent years, it has published several bulletins and reports on the state of corruption in the world, in which Albania is ranked as the country with a high level of corruption.

What we can highlight from all of the above definitions, is the existence of the key corruption word “abuse of power or position for private illegal profits.”

Corruption is distinguished for its fundamental characteristic and different forms of its appearance. In addition to the mutual operational modes or *modus operandi*, corruption represents different typologies and forms in different countries. The question that arises from this conclusion is: Why is corruption presented in different types of forms and typologies in different countries?

From the analysis of the phenomenon of corruption and its main forms and features of appearance, we have determined these influencing factors:

- government's mistakes in developing the policies and programs which are understood and managed with difficulty;
- inefficient institutions with inadequate checks and balances;
- undeveloped civil society;
- weak (corrupt) judicial system with low-wage employees who are easily corrupted;
- lack of transparency and accountability.

Nevertheless, in many cases these factors appear more like symptoms rather than real causes of corruption. In any case, we consider them as related to corruption, even though corruption occurs only when these causes are present; however, it does not mean that if the above causes exist, corruption exists, too.

According to our assessments, the main obstacle for the success of the anti-corruption strategy is the corrupt judicial system. A corrupt judiciary means that the legal and institutional mechanisms established to

fight corruption, regardless of how mature are the objectives, efficiency and honesty; they will limp or worse, fail.

Another characteristic is that corruption nowadays is not a problem that belongs only to developing countries and former communist countries of Eastern Europe, as claimed in the everyday literature, sometimes abusively, but it is a global phenomenon as well. In many developing countries corruption has become a pervasive disease. Corruption has spared so far, no country in the world, but its consequences are far more dangerous and sensitive in developing countries. In fact, poor countries can tolerate even less than others to be lied to by their government, to tolerate a dysfunctional competition, or to have a manipulated justice. The fact that many world countries are very poor, despite their national assets is attributed to their corrupt leaders.

Corruption can manifest itself in many forms and spread in a large or small scale, in public life and at all levels of society. But those who pay the price of corruption, according to our experience, are the poor and most vulnerable part of society. Why does this happen? Because, when the funds intended to improve the health of the population, infrastructure, hygiene, education, standard of living, etc., are used for purposes different from those planned, the harm is far greater.

Ethical values vary from one country to another, so the parameters that measure a corrupt behavior differ from one country to another, as well. According to assessments within the international policy in relation to development, it has been agreed that corruption, regardless of cultural relativism, is a concept generally used in all social cultures, and the problem of sharing an acceptable or unacceptable behavior is solved for each separate case.

Given the experience of our country, corruption spreads easier where the legislative or judiciary are weak, where the application of state rules and laws are not monitored, where clientage has become a normal thing, where the government administration has no experience and independence, and where the civil society has no means to put pressure on them. Corruption also is manifested within the public administration, at political and economic level. This is verified in every case when a person has been assigned a task by one institution or another person. Corruption, understood as an abuse of power and trust for personal interest includes a wide range of offenses which are envisaged in our criminal code.

From the study of criminal justice mechanism of this offense, we have come to the conclusion that corrupt behavior is considered that of persons exercising public or private functions who violate their duties of authority to obtain unjustified benefits of all natures, especially by violating tender equality, public services, issuing licenses and certificates, etc.

By analyzing corruption practices of some countries and particularly, those of our country, it is important to highlight the differences between grand and small corruption. Grand corruption has to do with high state officials, with decisions or contracts, international tenders with huge sums of money. Small corruption, especially in Tirana, is practiced by officials of a lower rank to profit and distribute routine material goods and smaller amounts of money.

Our experience has shown that the biggest impact of corruption is noticed on the poor, as they are less able to minimize its costs. By using funds illegally, corruption restricts essential services such as health, education, and public transportation, etc., services which mainly depend on public funds. Small corruption produces additional cost for the citizens, which not only makes the services inadequate but also produces additional fees for administration of basic services such as the provision of necessary documentation, etc.

However, in daily practice there should be a clear distinction made between real corruption and favors or privileges that are often exchanged on the basis of friendship and mutual appreciation. It should be noted that the difference between receiving legally acceptable gifts and corruption may vary, depending on the different cultural aspects of a certain country or society.

In many cases, in Albania especially in the district of Tirana, applications for driver's licenses, construction permits, taxi licenses, bus and truck transports, wholesale trade and other common documents are made with high payments and extra cash to the employee of the civil service.

At higher levels, more is paid for public services in case of market rights, taxes for major business, franchises, commercial or industrial activities, foreign investments, avoiding inspections or excessive bureaucracy, etc.

However, the consequences of corruption are very harmful because it causes the reduction in investments, and in the long term, we could say that it creates polarization of society, lack of respect for human rights, the antisocial and antidemocratic practices and misuse of public funds for essential services. Also, corruption hinders economic, political and social development, and in addition, it may harm the health and life of citizens, for example, through the implementation of poor infrastructure projects, public constructions with low quality, importing expired drugs and food products, etc.

What is essential and has been proved until recently in Albania is the fact that corruption threatens the prospects for foreign investment in the economy, tourism, infrastructure and strategic privatization. Thus, few are those foreign companies which want to invest in a country with a high level of taxation and risk. In many cases, domestic and foreign companies are afraid from such an unfavorable climate offering hefty bribes to secure their businesses, but simultaneously inhibit competition, economic growth and reinforce inequality. In this context, the widespread suspicion in the media and public that the judiciary is corrupt and that the crimes of the elite can be easily committed, both in public and private areas, weaken the law and legitimacy of the government, the foundations of democracy, etc.

Best practices so far, prove that fighting corruption essentially requires a more effective, honest and productive governance. Many countries have realized that bribery and nepotism impede development and therefore request assistance from international institutions like the UN to fight corrupt practices. Since the causes of corruption are numerous and different among countries, the preventive and coercive measures functioning in some countries may not be appropriate in others.

In order to approximate the standards of preventive and restrictive measures in the entire world, in 1999, a global program against corruption was launched for the first time. In fact, this program was supported by member states before 1999. From 1999 to 2004, the above program was active mainly in four areas labeled as:

- (1) providing technical and legal assistance to member states so as to strengthen their legal and anticorruption structures;
- (2) support and assistance of international aid groups to strengthen judicial integrity;
- (3) development and distribution of anti-corruption policies and tools;
- (4) increasing coordination against corruption.

Since 1999, this program has provided technical assistance to countries such as Lebanon, Hungary, South Africa, Colombia, Romania, Indonesia, Iran, Mozambique and Nigeria, and also has developed new programs in Kenya, Iraq, Afghanistan, and Romania.

These projects were mainly focused on strengthening the integrity and capacity of the crime sector, particularly on the judiciary but also on three new areas of preventive measures, addressed by the new Convention: (i) national anti-corruption policies and mechanisms, (ii) promoting integrity in public and private sectors, and (iii) stopping the advancement of corruption and seizure of illegal assets).

## **2. On the origin of appearance of corruption in human society**

Before listing some of the ways of the appearance of corruption, we consider it relevant to provide a brief historical overview about the origination and development of the earliest forms of corruption, such as bribery.

### ***2.1 A brief history of the birth and development of corruption in the world***

The question that arises today from all of us and interested research institutions is: How old is corruption? Has it existed in these forms or otherwise?

One of our general answers is that corruption is as old as human society and the state. So the historical origin of the birth of the corruption phenomenon corresponds with the period of the birth of government in the state era. With the creation of the state apparatus, the potential for exploitation and manipulation of the same for narrow material interests by its administrators was created as well.

Corruption has been an integral part of our collective activities throughout the ages. The reason why we take time to study corruption as a practice is because not only does it erode the economic composition of society but that it also destroys the moral foundations of social order in a country.

Scientific data of recent years shine light on this early social phenomenon. So, in December of 1997, it was reported that a team of German archaeologists discovered in Rakka, Syria about 150 fragments, in which it was written that the place had controlled one administrative center of Assyrian civilization since the 13th century BC. During the search, a specific archive was discovered, probably like the modern equivalent, the "Ministry and the Interior," with information on employees receiving bribes, including names of senior officials and the name of a known Assyrian prince.

In Ancient Egypt, around 3500 BC, the unlimited despotic power of the Pharaoh, who's every action, was not subject to any limitation, set realistic concrete field conditions for unfair coercive (corruptive) behavior and its misuse by persons of high state administration. In fact, every rule is characterized by the tendency against unfair coercive (corruptive) behaviors.

In Mesopotamia, around 1800 BC, corruption had become an ethical norm and a genuine way of life for the rulers of all ranks. Here bribes were not qualified as immoral acts, and unlike other countries, in the official economic income of the Mesopotamian official, apart from the state bonus, gifts or other gains received from citizens were included.

More or less, a similar picture like this existed in Asian countries as in ancient China and Japan, where corruption acts were tolerated by society itself and the most common forms of corruption were bribery and buying high positions. In the archives of old Babylon, about 2400 BC, corruption in the system of state services is mentioned during the Sumerian and Semitic era. The King of Lagash state (which today corresponds with the territory of Iraq), completely reformed the state administration in order to avoid abuses. His main goal was to prevent employee officials from taking gifts.

However, corruption in the focus of the history represents the disguised side of human history as a secret immoral action, less exposed, but the facts and specific cases that speak about it have resisted time and have reached us, up to our present days. Events that speak of corruption in different times are direct and indirect. Corruption of antiquity is reflected in the work of Aristotle entitled “Politics,” who defines corruption as a deformity of justice and as a phenomenon that has serious impact on the state, which in critical moments is able to lead the state to its own destruction.

In the old Indian Tract of the fourth century BC, which speaks about the art of running the state Artkashastra, it is highlighted that the most important task that lies before every ruler is the war that he must wage against state property theft. In this tract, there are recorded about 40 forms of theft of state treasure and assets. The solution proposed by the tract is very wise and can be an acceptable version even in the present times: it promised to every person who would report acts of corruption to be eligible for a portion of the wealth confiscated from the official upon determination of the facts.

Corruption in the Roman Empire meant an evil, towards which society held a harsh stance. Romans treated corruption even in their legislation, due to the danger this phenomenon posed. Cicero saw the nature of corruption in human beings, their consciousness and the presence of human habits. As far as antiquity is studied, it has been established that the reason of corruption was the frequent changes of government forms as well as government officials who led the ancient societies.

In the middle Ages, corruption was a very widespread phenomenon. This wide spreading is due to frequent changes of state leaders. Religion too, has played a role in the medieval corruption, both in its reduction or increase.

## ***2.2 Some information on the origin of corruption in Albania***

Regarding Albania, we have no direct sources or studies on corruption, especially in ancient times. But indirectly, it is known that during the time of the rulers of Illyrian lands and Roman conquest (167 BC) and Byzantine (V-XV), these forms were prevalent in Albania as well. Also, during the time of Albanian Patriarchies (Pashas), this emerging phenomenon took the form of bribes. In the Patriarchy of Janina, even though there were severe punishments foreseen for public servants taking bribes, Ali Pasha often utilized bribes as a strong tool to corrupt consuls, foreign travelers, tribe leaders, numerous informants and all the way up to high employees of the Ottoman administration.

The time when corruption was “cultivated” in Albania, was during the Ottoman occupation, between (cen. XV-XIX). The entire conquering Ottoman system was built on grounds of corruption, through tax collection, conversion of religions, recruiting Albanian soldiers, administration employees, etc. According to an archive record of the XX century, it is said that the “Albanians have an advanced bribery and gambling, laziness, and stay in the cafe for a long time...”

Even in the Monarchy years (1927-1939), according to the judicial processes of the time, there were several cases of punishment of employees of state administration for corruption. During this time, there were also financial scandals or public asset purchases, hefty bribes towards administration employees, etc. According to the print media of the time, even King Zog was accused of financial and property corruption.

In the years of the totalitarian regime (1945-1990), although corruption was not known as a legal concept under this name, instead it was qualified as bribery, was also advanced. In the authoritarian monist context, before the democratic transition, the government itself did not have real legitimacy. The only way to

make its authority acceptable was by practicing the redistribution of clientage based on favoritism. Also, in totalitarian systems because of lack of transparency, hiding of data, sophisticated methods of bribery etc., it is difficult to conduct a real assessment. However, one thing is known for sure, that the corruption of high dictatorship was an iceberg which could never be distinguished. Only by allowing smuggled cigarettes “Marlboro” through Albania into Italy, by the vault, brought 2 million American dollars in profits annually for the state, but it is unclear how much of that was deposited in Swiss banks for the leader of the vault, who gave them license and for other officials who managed the smuggling network in Albania. High level corruption was also present in international ligot gold exchange rates and numismatic currencies.

During this period, in Albania bribery was very developed to a large scale, especially in terms of provision of apartment authorizations, housing permits in the city, granting scholarships for studies inside and outside the country, appointments in good positions, transfers in first class districts, obtaining authorizations for the purchase of electronic items (TV, washing machines, fridges, etc.). The sector of medicine has always been a problem in giving bribes for surgeries or giving a green light for overseas treatment of patients, etc.

Corruption nowadays is much different from that of the previous system. Opening doors to the world in the field of investment, massive introduction of the informal economy in the country, providing exclusivity to foreign companies, international tenders, strategic privatizations and medium enterprises, etc., allowed for the base of corruption to expand, assuming thus, dominant forms which endanger the criminalization of the society and the creation of a corrupt system. The current corruption is multidimensional. It is connected to organized crime and other serious crimes.

But in daily practice, it is very difficult to make a difference between corruption and abuse of authority, the main difference lies in the fact that in order for corruption to be consumed as a criminal offense, it requires the involvement of at least two persons, while abuse of office does not require the same.

### **3. The criminological profile of corruption**

By studying the forms/models, levels, differences and political, socio-economic and legal consequences corruption causes, we recognize a very complex criminological profile to be treated below. Amidst most exposed profiles of corruption in today's Albanian society, we distinguish:

#### ***3.1 The main forms of corruption***

It is important to know the main concrete forms of corruption practices or acts. They are:

- Abuse of Authority (abuse of office – the most characteristic and classical form): for example, duties not performed by tax authorities, customs duties, police, etc. This form has evolved from the exchange of services, into bribery.
- Thefts committed through abuse of office and destruction of documentation;
- Misuse of contributions provided by the government (misuse of funds, interfering with bank accounts, and violation of equality of participants in public tenders or auctions): for example, excessive billing, illegal granting of subsidies, of social assistance, etc.
- Avoidance of facts: a logical consequence of the above forms;
- Illegal payments (unlawfully profiting from interests in enterprises, operations, etc.), for example, institutions controlled by HSC for years 2002-2003 have issued illegal payments for overtime working hours, illegal remunerations, unjustly paying a 13th salary, or unlawful payments for excursions, services, travels, etc.



- Information trading: for example, confidential information on a contract, the exchange rate and information provided about a stock market, in general;
- Manipulation of a regulation: addition of deliberate unwritten criteria and procedures;
- Abuse of public property: mismanagement of public property, in order to intentionally devalue and accelerate the privatization under the real value of a state property.
- Conflict of interests;
- Forgery of documentation;
- Buying and / or stealing the vote;
- Discrimination based entirely on prejudices: refusing to grant a lawful right;
- Intentional failure to fulfill one's duties: allowing financial advantages (fraud, tax evasion), intentional lack of checking the hygienic-sanitary conditions, actions involving a large scale of pollution, etc.
- Cover-ups: in organized forms of corruption where employees and supervisors alike, share bribes, covering up for each other is a double corruption practice, aside from bribes.

By identifying daily practices, it results that corruption is performed through bribery, extortion, nepotism, fraud, appropriation and malpractice, as in:

#### Public procurements

Bribes can influence the selection of suppliers, goods and services by the state and carry consequences on definite supply modalities and their renewal.

#### Advantages provided by the government

Bribery can influence the distribution of monetary benefits (fiscal fraud, subsidies, pensions, social assistance) or advantages in nature (enrollment in privileged schools, healthcare, housing, interests in companies going through the privatization process).

#### Public revenues (customs services, taxes)

Bribes can influence and reduce the amount of taxes or other obligations that physical or legal persons are asked to pay the government.

#### Time economization and overcoming of the law

Bribes can enable someone to quickly gain the right to practice legal activities.

#### Deviation of results from legal or regulatory proceedings

Bribes can encourage public authorities to not stop illegal activities (drug trafficking, environmental pollution, waste of forests, etc.) or, favor one party over another, unfairly (concerning court trials or other acts in the justice system).

#### Scams of all types

Asking for bribes: in order to speed up a procedure and issue a qualification certificate, passport, provide a phone number, conduct a periodic technical check for vehicles, etc., etc., public officials ask for money.

### *Nepotism*

Nepotism is related to the power and stability in family relationships, inside a wider family, forcing a public official to secure benefits for blood relatives from the privileged position of an official. All types of favoritism can be affected by it and it often means finding a job. It means a moral duty and a mandatory social obligation, at the same time.

***Customer relationships***

Clientage is a personal dependency relationship based on the exchange of benefits mutually, between two people, master and client who are controlling disproportionate resources.

Often time, the word patronage is heard when talking about a political personality who distributes public resources, such as jobs or permits, licenses, authorizations in exchange for political loyalty.

***Society***

Society is an exchange of services between friends, and has to do with equal people or people of equal potency. There is a peculiarity in the Albanian reality and further, in the Balkan mentality, that social relations have a tendency to be greatly personalized.

***Provincialism***

Provincialism is a form of provincial-based favoritism, found between nepotism and clientage.

***3.2 Levels of corruption and its consequences***

Corruption is a complex and diversified phenomenon. It counts for a political, economic and social phenomenon.

What should concern us is what this author (Jean-Pierre Olivier de Sardan) qualifies as a “corruption complex” which doesn’t only cover corruption, in the sense of the legal concept of the corruption contract, but the entirety of punishable offenses that are closely related to it.

Corruption is found at different levels. It may be systemic – sporadic, organized – disorganized, large – small, domestic – international – “caught or processed by the government” and administrative corruption.

Systematic: when the whole system is contaminated and corruption is the base rule.

Sporadic: cases of corruption when there is an exception of the rule.

Organized: the organized corruption involves a number of officials of an organization or through an organization they participate in or share the profits (weekly, monthly or random) from routine corruption practices. The distribution is made to the superior or superiors, by the subordinate or subordinates.

For example, a customs worker gets a job by doing a favor or bribing and then, shares portions of those bribes with his superiors.

Disorganized corruption appears spontaneously, case after case (example, a judge being bribed in exchange for a particular case).

Large scale corruption refers to a high level of abuse, when a person in a high office who drafts governing policies is able to influence the decision-making process and ask for a payment, generally “offshore” in foreign currency, in order to exercise the great discretionary powers possessed (example, in cases when ships are purchased, aircrafts, military and telecommunications equipment, capital purchases for major industrial and agro-industrial projects, major civil engineering contracts, as in construction of dams, highways, airports, hospitals, continuous supplies with fuels that need standardization, such as fuel, fertilizers, cement, etc. or, recurrent purchases of pharmaceutical products, schoolbooks, privatization of some public property for private reasons, securing periodic profits generated from a monopolized market situation, etc., etc.).

All of these cases and more, show that corruption is carried out through illegal paid percentages coming from government contracts (or advisory subcontracts), often transferred directly to the bank accounts abroad, realized

through excessive hospitality and other numerous benefits going to public officials from those who get the government contracts (for example, scholarships for their children abroad), through government contracts that public officials themselves make profits of as consultants or through screen companies or inexistent partners, etc.

Corruption “Caught by the government” is referred to the actions of individuals, groups or companies in both, private and public sectors to influence lawmaking, regulations, decrees and other policies in their favor, using nontransparent mechanisms throughout the said process. This form of corruption is different, depending on the Institution that “caught” or “processed” it. “Captors” are individuals, groups or companies from the private sector, looking for rents or other profits from the government. This problem is not typical for developing countries only, or former communist countries, as it is shown in many studies; it is also present in lasting democracies, as well. The problem with the transition countries is further deepened by the large concentration of the economic power, not well-established formal channels of political influence, as well as, poorly organized economic interests and those of the civil society.

“Caught by the government” takes many shapes, starting by laws and decrees being bought by public and private companies, to more sophisticated forms. High officials may use their position to catch companies, or may guide funds for personal use in such ways as to eliminate other players.

Actors who can accomplish this “catching by the government” can be numerous and they come from institutions such as, the Parliament, the Government, Courts, etc. There is a safer haven for such actions when a large portion of the economy is in the hands of the government. (Numerous issues of privatization, and leases under such friendly terms for certain people, outside the true channels of commercial honesty, etc.). While the administrative corruption is most widespread and takes various forms, from the most obvious and easy to be “accepted” one, to the most camouflaged one that requires complex methods for its detection and then, fight against.

### ***3.2.1 Consequences of Corruption***

Consequences of corruption can be various: political, economic and social.

#### a) Consequences and political costs

They can appear in different forms, such as:

- Suspension of rule of law: personal motives and interests define the actions of corrupt officials;
- Misrepresentation before the law: personal connections and bribes encourage and affect an impartial decision-making;
- Limitation of representation: citizens feel powerless to ask for public officials to be accountable;
- Institutional erosion in governance powers: favoring the incompetency, ignoring the merit, procedures and rules become even more complicated;
- Corruption undermines good governance and misrule produces corruption;
- Undermining the governmental legitimacy and the issue of credibility in the Government: when a government is not representational and effective, it loses credibility. And, when citizens consider the government as not credible, democratic values like, trust and tolerance are undermined. Corruption spoils the principles governing a state of law, undermines the effectiveness and credibility of public institutions, makes the judiciary ineffective and creates an environment of conflict and political uncertainty.

If the public does not approve the actions of the authorities, this may prove that the degree of corruption is being overrated in government ranks.

#### b) Consequences and economic costs

- Slowdown in economic development, holdback in investments and increased costs for businesses: foreign investments getting away, reduction in long-term domestic investments; increased uncertainty and risks, increasing the effective investment cost for the company and consequently, deteriorating the situation and growing the dissatisfaction of investors; there's uncertainty in securing one's rights and in law enforcement; deforming public investments and favoring unproductive ones, shifting sectional priorities and technology choices. Example, focusing the budget on profitable sectors like, construction, neglecting education, healthcare, etc. Most important of all is that the highest cost is not the bribery itself, but the economic mismanagement and causing crisis.
- Slowdown in the economic growth of the country because the level of investments is low and GDP growth is relatively low.
- Trade limitations due to low levels of transactions;
- Reduced free and fair competition: allowing monopolization of certain markets;
- Decline in the financial system because many transactions are not going through a bank transfer, but they are carried out through other indirect ways, making it even more difficult for the authorities to follow the money circulation.
- Strengthening the informal economy as there are more suitable conditions created for these markets to flourish.
- Poor quality of infrastructure and public services: public contracts are won by those who pay most in bribes and not necessarily, the contracting party which is most accurate and efficient, raising the cost of goods and services and dropping the quality of every service and every product under public control (healthcare, education, medical infrastructure...). Corruption strengthens more the competition at the level of corrupt practices than a sound competition under terms of quality and cost;
- Greater pressure on the state budget and disorientation of the volume and composition of public expenses: corruption increases public investments, but it lowers quality and productivity. Costs are smaller in maintenance operations and bigger in new buildings. Expenses focus on sectors that offer greater potentials for bribery.
- Fiscal implications – Administrative corruption at tax and customs authorities returns very little in revenues for the state budget, enabling individual benefits.

The corruption cost has a greater impact on small businesses. A study of 22 transition countries shows that small companies pay an average of two times as much in bribes from their annual income, compared to large companies.

Furthermore, empirical studies on Eastern countries show that countries with high levels of corruption have 6% lower investments than countries with medium levels of corruption. A 2002 study in Indonesia shows that, 56% of companies are willing to pay additional taxes and 50% of them, over 5% of their income, if they were guaranteed a significant fall in corruption.

#### c) Social consequences and costs

Corruption holds back social welfare; it appropriates national assets to benefit a few, shatters the foundations of a country's resources and helps keep poverty within a confined circle, delaying the improvement

of quality of life. This happens for a simple reason that the poor class is most vulnerable and in need of public services and cannot afford the luxury of a private healthcare, private schooling, etc., compared to the rich class.

- Inequality – Corruption brings with it inequality into living. During the period of transition there are many “winners” who embraced dishonest ways into making their first millions.
- It encourages discriminatory practices, brings a poor distribution of skills, threatens the most elementary social, economic or cultural rights, cultivates arbitrariness, and interferes with provided proper access to public services and access to information.
- At the level of large scale corruption, also integrated with organized crime, corruption also threatens physical integrity and the life of those who touch the interests of corruption beneficiaries.
- Considering all the above reasons, corruption affects the respect for fundamental human rights, in absence of transparency and responsibility.
- At another level, corruption undermines ethical and cultural values of a society. Corruption thus is a combination of corrupt practices with corrupting the public moral. Polls in different countries have shown that the biggest corruption tendencies are there, where managers of the private sector spend most of their time negotiating with public sector managers to get licenses, authorizations, signatures and taxes.

### *3.3 The differences between corruption types*

To address the nuances of this paper, first of all, there must be a clear distinction between public and private corruption. Referring to one of the well-known definitions on corruption as, abuse of power by the public official, for the purpose of personal profit, there is no doubt about the fact that the abuse of public servants to benefit themselves is more of the paradigm of corruption. So, when a bookie pays a boxer or footballer, or a coach for them to lose their match, once again there is corruption for private gain, but this example does not involve any public official, because neither the bookie, nor the boxer aren't so, they are private persons.

Therefore, there should be a distinction between public and private corruption and be accepted that the concept of corruption is only related to public officials. When ordinary citizens lie about the evidence they give before the court, there is still corruption and it is called a corrupt judicial system. However, this case does not involve abuse by a public employee. And when a police officer gathers evidence at the inappropriate scene, we still have corruption by a public official, but not for reasons of private profit.

What is accepted by some researchers in this field is the fact that the “term bribe lies closer to corruption,” while for some others “bribery is the purest form of corruption.”

There is for sure, another paradigmatic form of corruption, the one that is clearly distinguished from bribery, profit or favor. So, a person getting a bribe is supposedly giving in return a favor to the briber, which otherwise is not a bribe, while a person who profits from an act of nepotism, is not necessarily returning the favor. In fact, corruption implies bribery and nepotism. Corruption acts are numerous, but we'll only include those illegal acts in the field of economy. So, corruption is closely related to economic crime.

Many corruption acts are not punishable. This is because corruption, over all, isn't simply an illegal act, but it is also more of a problem of morality or ethics.

Secondly, corruption isn't always of economic character. Economic corruption is an important type of corruption; however, it is not the only form of corruption. Investigative experiences in Albania, especially in the

Tirana district have shown that there are non-economic forms of corruption, as well, involving many forms of corruption within the police, judges, politicians, customs officials, tax authorities, teachers, doctors, etc. There are, in fact, as many forms of corruption, as there are institutions to be corrupted. Economic gain isn't the only motive of corruption. There are a large number of incentives to corruption, which may include the personal status, power, addiction to drugs or gambling and sex, similar to motives of economic gains.

Also, the difference between the two forms of corruption, mentioned above needs to somewhat become more relative. On the other hand, partners often want to commit to long lasting corruptive transactions, namely, transform them into stabilized social relations of "clientage" type. We have the case of "couples" made of merchants and customs officials, carriers and police, civil state employees and citizens in need, healthcare personnel and patients or their relatives: frequent attendance, share of common work environments and same normative system mastery make room for secret agreements and favor the growth of "corrupt doubles," where monetary relations submerge into relations of familiarity (exchange of benefits, reciprocal invitations, etc.). On the other hand, the claim by which, the West knows economic corruption but not social exchange – corruption, is not true. It is a fact that the Western corruption knows less about the form of nepotism, but there is society and clientage.

These two forms of corruption have a close link: economic corruption happens to a large extent due to facing social obligations, such as those arising from kinship, or political obligations. It is true that the social exchange – corruption isn't always felt as corruption: while honesty is attributed mainly to the family or kinship, generally there isn't some abstract loyalty to the anonymous and "cold" country. The social exchange – corruption gains somehow, an internal legitimacy, while it is not the same with the economic corruption.

Third, we must make a distinction between the violations of human rights and corruption. Of course, there are many investigative experiences that confirm the correlation between them. In order to illustrate the example of corruption being related to the violation of human rights, we can mention dozens of trials held against political opponents and sentences given when the judicial system has become corrupt. Many more unfair sentences, count in the violation of human rights.

It is a fact that in many developing countries corruption has become a ubiquitous wound. Corruption has spared no country in the world, so far, but its consequences are far more dangerous and have a far greater impact on developing countries or those on their way to democracy.

### *3.4 Aspects of Corruption: its roots and consequences*

There are many reasons to believe that in a relatively turbulent world, created by radical changes of the post Cold War period, many new opportunities and incentives have been created to cause corruption. Even though, criminal behavior is often associated with individuals, the corrupt behavior is a problem of systems and institutions rather than a problem of individuals. The roots of corruption can be traced through the four categories related to each other.

Firstly, there may be situations of monopoly or oligopoly, where a company controls the market. Some public works can be assigned to private subjects and because there are only a small number of subjects that can carry out these services, it creates an environment that favors corruption.

Secondly, individuals or organizations having so much discretionary power, it develops motives and incentives for corruption acts. Anywhere where there is little or no control and balance mechanisms, people will tend to be abusive of their power. Such types of corrupt experiences are met in authoritarian countries, where

power is concentrated in the hands of a few people. Another example would be found if there were referred to people with extremely specific skills and knowledge.

Thirdly, lack of transparency reduces the lack of control of those having the power. The lack of transparency is typical for dictatorial regimes. The same thing happens even if projects require special skills to understand, in which case, most of the people would not understand them and therefore, there would be a lack of transparency.

Finally, corruption can be analyzed through asymmetry. Asymmetry understands the discrepancies that occur at political, economic, cultural, administrative or legal levels. Even though, they are national and international, they are mostly noticed at the global level. Asymmetries are incentive to corruption, directly and indirectly, through the creation of illegal markets that operate better with the cooperation of government authorities. Examples of asymmetry can be found in banking and tax regimes of different countries. These asymmetries invite many individuals and corporations to find the most favorable jurisdiction and get involved in several types of transactions, even though it is against the law of their country. It is also a cover for the corrupt practice. Another example is the different treatment that foreigners involved in corruption get. In some countries it is a serious crime, but in others, it is an action that lowers the cost of the business.

Based on investigative and judicial experiences so far, in Albania, there are different types of corruption, from simple bribe taking, to serious corruption offenses. But in the series of corruption offences, it can be concluded that some of the offenses are punished by the law and are subject to investigation and punishment, whereas others are presented as unethical or immoral behavior and are not punished by the law. But, our experience tells us that, precisely the latter are more dangerous, because they occupy bigger ground and affect directly the trust rapports between the citizen and the institutions of the rule of law.

From our observations made for this purpose, in the Tirana district, for the years of 2000-2005, it is shown that there are some important sectors of different fields which these behaviors are manifested more in. Here, we can mention all of those sectors containing an asymmetry of powers; therefore they are often called abuses with power. Legal forms of corruption have a bigger effect on citizens mostly exposed to and in need, most unprotected and powerless to respond to these acts of corruption.

Based on typical corruptive practices in Albania, the health sector may be taken as an example, when a doctor pushes his patient to go to a private hospital where he works part time, to get a diagnosis, get medical tests, undergo a difficult surgical intervention on a vital organ, even go to foreign clinics (Turkey, Italy, etc.). All these practices have one thing in common: great personal benefits from percentages of given medical assistance, or through payments for services offered in the state clinic (treatment, surgery, random checks, etc.). But the patient is aware of the manipulation and realizes that the same service given in the private sector or abroad could've very well been given in the public sector, for a cost of many times as low, even free. This is a case when the patient feels involved in some form of corruption that's not punishable. Corruption is related to criminal acts, in general. If a country has a developed crime, targeted by the media, then this will become a prime problem where all will focus, problem that will serve as a disguise, for at least, as long as the attention is taken away.

Our opinion is that typical cases of corruption with no punishment are marked in Albania. Albania is a country that, based on foreign opinions, is suffering from negative international image, because of the unpunishable criminality and corruption. Based on this fact, the Albanians have shaped mistrust towards their country which has led them to the creation of the family-friendly network of connections to oppose corruption.

All activities and areas of the human society development are affected by corruption, one way or another. It is present, not only in all areas and fields of human life development, especially in the areas of the judiciary and the executive.

Their theoretical coverage takes various groupings around the world, and this is due to the variety of cases. According to the classifications made based on the areas of operation, there are the following types of corruption:

- Economic-administrative corruption;
- Judicial corruption;
- Political corruption;
- Corruption associated with the world of crime;
- International Corruption;
- Corruption in private economies and enterprises.

### *3.5 Anatomic profile of corruption types (bribes, profits, etc.)*

Experiences show that generally there is a widespread agreement, regarding the situations that are especially responsible for corruption. However, effective efforts to fight corruption must start with its origin. We need to understand the incentives for large scale bribes and those affected by the corruption of others. Of four main categories that can be distinguished.

*Category 1:* bribes can be paid for:

- Partaking in a rare profit;
- Avoidance of costs;

*Category 2:* bribes can be given for profits (or avoidance of costs), which are not rare, but wherever the authority of public servants can be used;

*Category 3:* bribes can be given, for no specific public benefit per se, but the consequences of accepting bribes for services related to securing benefits (or avoidance of costs) such as, quick services or internal information;

*Category 4:* bribes can be paid to prevent the share of benefits with others or pay a certain cost to someone else.

The first category includes any bureaucratic decision where profiting from bribery means loss for someone else, for example, licenses for import-export activities, currency exchange, public tenders, concessions for detection and drilling for oil or other minerals, parceling public lands, buying a newly privatized company, the possibility of being introduced to rare capital funds under government control, getting a license to open a business when there is a limited number of licenses issued, access to public services such as housing, subsidized products or strengthening political support for the business. In all of these cases, we can say that there is some type of competition between grafters that can be manipulated, even created by employees or politicians.

If state officials have the right to design programs, they may be able to create rarities for personal financial benefits or partake in allocated resources (a phenomenon known as the “extension of supply”).

Examples from the second category include reducing tax bills, or extortion of high value payments, when there is no fixed annual income, waiver of customs duties and the regulation, avoiding the control price, issuance of licenses or permits only to those who are considered “authorized,” opportunities for full discretion in public services, exemption from law obligations (especially for white collar crimes), licenses for construction projects, indulgent enforcement of safety or environmental standards. Bureaucratic authority can very often lead to collecting bribes.



Police officers can pay mobsters to threaten the businesses, while collecting bribes from these same businesses to protect them from the gangs. The same goes for politicians who can make threats in order to support laws that would impose expenses or promises to secure special benefits in exchange for payments.

In third category there are the services most related to the existence of the previous two categories, rather than the benefit itself. For example: within the information specifying the contract (such as a case in Singapore where a group of corporations from exporting countries, paying large sums to obtain reserved information about government contracts, were constantly being blacklisted by the Singapore Government). Other aspects include faster services: reducing previous activities, warnings about police raids, lifting out doubts; or favorable reports from audits that could keep taxes low.

Bureaucrats, very often create conditions themselves to produce bribes. Officials could delay various services and impose stricter requirements for application. For example, despite the very strict legal environment that exists in Russia, the environmental conditions make you think that the legislative regimen is more focused on the creation of conditions for employees who take bribes for disobedience, rather than real protection of the environment.

The fourth category, like the first one, includes both winners and losers. Such examples may be cases where an employee of an illegitimate business, may pay law enforcement agencies to strike his/her competitors.

Legal business owners may ask for excessive regulatory restrictions to be applied on competitors, or try to make the employees oppose the licensing of a potential competitor. A Queensland police commissioner was given bribe by individuals with illegal interests in a toy business so that he would make a false report to his government, strongly referring that the toy industry not be legalized.

In categories 1 and 4, where we have direct losers, organizing possible bribery can be very important to giving an idea on the size and level of corruption. If there are only a small number of potential profit makers, they may be sharing the market based on the control they have, rather than fall preys to bribery and act as a united front against public employees.

A policy that encourages monopolization of some industry can reduce corruption, but in fact it will get very few social benefits. Instead of interests going to the public servants, they would end up in the pockets of monopolized company owners. And moreover, if these companies are foreign, profits of repatriates and international crime problems would mainly end up abroad. Such examples show that the problem may not be the corruption itself, but the income from monopoly may encourage bribery.

Generating payments out of people who have the right to services, but aren't able to get them (such as getting the driver's license) is classified as extortion (and in some places even as crime) rather than a bribe. The test would be whether both the payer and the recipient were acting illegally, or if the payer was an innocent victim of violation of rules by an employee, who in the event of not getting paid would deny the payer the right granted by one's legal authority.

#### **4. Corruption and the public administration**

In fact, today it is impossible to achieve an overall welfare without having an open market and it is also clear that this market cannot function without having the trust relationships. Trust is the "fuel" for an open market system and cannot be created by chance. It is created when there is a healthy system of rules aimed at protecting the citizens and their ownership rights, impartially. Such a thing presupposes preventive force and

effective implementation of laws, so that coordination of rules and trust become the driving force of a democratic society based on the rule of law.

This is why it is an imperative that the administrative political and economical officials not to be selected based on corrupt, nepotism methods, because a corrupt administration uses the power for its personal or clannish interests and not for the common good.

Secondly, such a corrupt administration is inefficient in its work and therefore is never capable of implementing effective systems of free competition. Experience has proved and agreed that an economic or political system that accepts corruption can never be efficient. Also, economic development processes in Albania have shown that the more the market is protected and based on a monopoly system, and this way, less open to free competition, the higher are the levels of corruption and, thus inefficiency and inability to cope with a free competition will be the highest.

So, an important indicator to the corruption rate is how institutions of public administration are organized and functioning. Based on our observations as the study was being carried out, we've concluded that there are a number of corruption related phenomena factors that can lead to increasing the cases. As most influential factors, there can be mentioned:

- The number of decision makers to a particular case;
- The extent and number of competencies they have;
- The level of responsibility they have for the decisions made;
- Implementation of formal procedures to control the above competencies.

If we analyze carefully the influence of the above factors and their influence on decision-making, we'll respectively notice that:

- a) When there is one decision-maker, we have a growth in "monopolized corruption," whereas, as the number of decision-makers grows "the competitive corruption," there are fewer chances for corruption.
- b) Furthermore, the greater the power, there are greater chances for corruption, because the public official uses his/her rights in such a way that some people profit over some others, by "painting the wagon."
- c) Having formal procedures to control these powers, give a raise to the "value" of corruption, adding thus, the cost and advantages for the buyer. This is why, besides the small economic advantage of money bribes, benefits of involvement in corruption bring all the advantages coming from the secret exchange of favors between the administration official and the business people.

So, as it can be seen, there is a close correlative relation between the competencies of public administration employees and the opportunities or chances for corruption. This means that the bigger the powers grow, the greater the opportunities for legal corruptive violations, whereas the existence of formal procedures for control and regulation of powers leads to higher corruption values, in a way that they increase the cost for the buyer and chances of his involvement in corruption.

In this context, for the corruption to be fought, there is a need for constant and crosschecked controls between the different levels of decision-making. It should also be noted that it is very important and necessary to understand that the above controls need to be carried out in an efficient speed and procedure, so that it does not become an obstacle to formal rules of the local and world markets, because this would serve the growth of corruption, rather than the prevention of this phenomenon.

On the other hand, it should be noted that operators in market in their daily activities should bear in mind that corruption is indeed a criminal punishable offence.

The corruption costs can be calculated, using the BECKER model as a theoretical framework for the economic analysis of this crime.

According to Becker, "A person commits a crime if the expected benefits are greater than what he could acquire by using one's time and resources in other activities."

To calculate the coefficient of corruption, the below formula is used:  $Cq = mr + dp - r$  (Where  $Cq$  – is the quantity of corruption,  $mr$  – is the monopolized rule + powers – responsibilities).

We need to emphasize that economics has dealt with corruption, too, especially the branch of economics called the "theory of games," in which practically, every economic entity is a player who does not recognize the cards and strategy his opponent follows. This is why he needs to make decisions under conditions of uncertainty and therefore, his decisions are possible, but not reliable. Games in themselves, according to this theory are divided into interactive games, when economic subjects collaborate with each other and vice versa.

#### ***4.1 The Corruption of Civil and Public Employees***

The essence behind a corruption act of a civil and public servant is the wealth profit or other interests through the abuse of his/her position's attributes, in favor of third parties. This favoring of a third party comes by violating or manipulating even a single work parameter, thus wasting the party's or person's right entitled to, because of not answering the employee's request for personal profits. Corruption here comes through direct acts or inactivity of the civil servant. But, corruption can also come in another form, like the following.

Aside from getting corrupted due to the activities related directly to one's duty and obligation, the person bearing a public function may also use his position to carry through his activities through his subordinates, directly or by official interventions in exchange for the above mentioned benefits. So, the most obvious forms of this kind are:

Involvement in a form of an order includes any order given to a subordinate by a superior to commit a certain illegal act, resulting favorable and with profits for a third party. The order is given when it comes in writing or declaratively in the presence of other employees, thing which makes the corruption. In this kind of act of the superior giving an order and the subordinate executing it, both persons have abused their duty.

Official intervention includes any kind of message given in order to facilitate the performance of an action which turns out to be illegal and profitable to a third party. The intervening official person is not necessarily a direct superior to the one intervened to, but may well be a superior of another institution, at a higher level than the executive. The official intervention may have been requested in writing, by telephone or verbally. In these cases, the official employee required to make the intervention is obliged to notify his superior about the intervention, prior to carrying out the action intervened for and the superior is obliged to give his opinion. Interventions to carry out an illegal act by people holding equal, equivalent or lower official positions than the employee required to make the intervention are not included in official interventions.

Favoring an action because of the official position includes the fact that every civil servant enjoying a particular position is able to do different favors for private and public activities under his/her powers. Just by

facilitating an action, obviously in favor of a legal or physical person who profits by causing direct harm or avoidance of other rival or competitive persons, regardless of proof for bribery is considered corruption.

From the above definition, we get some characteristics to be taken into consideration, in order to qualify the act of corruption:

First of all, of corruption is to be blamed every official who uses their direct public position to carrying out or allowing illegal activities in the economic activity of the institution or company under their powers.

Second, the corruptive act is called as consumed when an official's acts are directly or indirectly related to illegally taking possession over or alienating a property, by the official himself, or third persons.

Third, it is not mandatory to provide proof of accepting compensation by the official, in order to press charges for corruption.

Fourth, making an intervention at the police, judicial, or court authorities of any senior government official, over an unfair or favorable decision for someone who's directly charged with committing an economic or financial crime is considered corruption.

### **5. Geography of corruption and political reactions to it**

The phenomenon of corruption due to globalization of all economic, commercial, industrial activities, etc. around the countries of the world is a universal phenomenon. But it is different in its degree, frequency, levels, etc., depending on the country.

Control and management systems (bureaucracies) are designed to carry on the public business. But, just as this system is established and starts to function, bureaucracy creates an autonomous spiritual life, even by starting to consider the public as an enemy.

Even though, corruption is defined as an "abuse of trusting power for private profit," it can also be described as a representative to disagreement with the principle of "long hands" under which, no personal or family relationship can play any role in economic decision making, no matter if it is done by private economic agents or government officials.

Just as the principle of "long hands" became disputable and with distinctions based on relationships, this phenomenon began to be followed by corruption. Cases of conflicts of interest and use of power for personal profit are best examples. The principle of "long hands" has been viewed as the foundation of efficient functioning of every organization. A fundamental, undeclared assumption highlighting the theoretical work of the role of the public sector is that public sector workers (both politicians and government officials) are well-informed, neutral and disinterested in their efforts to social welfare.

Questions raised are: Are they so? What do these officials consider social welfare success and do they consider it as a "corrupt" action? Are they willing to take actions against it?

In 1994, a very important research project in New South Wales of Australia, conducted by the Independent State Commission against Corruption, wanted to determine which types of behavior were to be judged as corruptive by public sector workers, as well as detect those factors that would stop the employees from fighting the corruption. From a conducted survey, selected public servants were asked to evaluate 12 action plans, in terms of:

- Desired level of behavior;
- How harmful was it?
- How justifiable they thought the behavior was;

- What would they do about this problem?

They were also asked to state whether or not they agreed with 12 certain standpoints. The respondents differed very well what were their views about what was or was not “corruption.” The report shows that “it is important for all of those who are interested to minimize the corruption, to understand that what a public sector employee considers as “corruption” may not be considered as such by his/her peers.” This lack of misunderstanding is alike added to the difficulty of fighting corruption. The observation showed that the willingness to act would depend on a number of factors such as, the relationships between committing the acts and the measure of how harmful, undesirable and unjustifiable was considered to be this action plan.

Factors that reduced the desire to act included:

- The belief that the behavior was justified by the circumstances;
- The standpoint that the denunciation of corruption was worthless, and that nothing worth could come of it;
- The belief that behavior is not called corrupt;
- Fear of a personal and professional revenge;
- Relatively low positions within the organization;
- The way how employees perceive their relationships with executives and supervisor;
- The concern about insufficient information.

It is clear that the starting point of a serious anti-corruption work has to do with the way how the situation is viewed by those of authority and trust. As the study in Australia showed, it should start by raising awareness to as far as the acceptable behavior target and the creation of a broader understanding of the consequences of corruption is extended.

A completely different observation of the experience of “Transparency International” report, in 1995, suggested that corruption in the public sector has the same form and affects the same areas, in both the developed and developing countries. Areas most vulnerable to corruption in government activity were:

- Public procurement;
- Re-contouring of land;
- Revenue collection;
- Government appointments;
- Local authorities;

And methodologies were very similar, including:

- 1.Favoring connections, nepotism;
- 2.Political corruption through donations to election campaigns;
- 3.Bribes for government contracts (and consultancies for intermediary firms);

All types of fraud within the public service (including politicians, such as elected or appointed officials), usually develop into activities as listed below:

- Ministers “sell” their personal power, for example, in Australia’s New South Wales the Minister of -
- Correctional Services was charged and jailed because he ordered an untimely release from prison for some drug traffickers;
- Officials get cuts from government contracts they usually sign;
- They get payments in foreign bank accounts;
- Officials are given excessive “hospitality” by government contractors or they benefit in nature, such as scholarships for their children to foreign universities;

- Officials contract businesses with the government for themselves, or with main companies and ‘partners’ but also openly, for themselves as “consultants;”
- Officials take extra trips abroad, asking for very large diets of their own choosing.
- Political parties use the hope of power or its continuation to collect hefty rents, especially from international business in exchange for government contracts (which can be served as “donations” for “charity” or “hospitals”).

While, in the case of Kenya in Africa, the Armed Forces Hospital Gatundu served as a mechanism, which represented the “aid” or “donations for charity” from anyone who wanted to do business with the regime. Was this hospital really, the final destination of the money? It might’ve been more of a main instructing hospital than a modest hospital of former President’s tribal zone.

Revenue officers extort money by threats made to taxpayers or importers, for additional payments if they do not pay bribes for them and this way, these businesses are unjustifiably given favors, by lowering the stock value or even exempting the merchandise from taxes.

For example, revenue collection in Tanzania declined drastically during 1994-1995. In Italy, where they say that this practice is quite widespread, taxpayers, especially big companies accuse the “financial police” of taking money from them, even though the rate of their unwillingness to pay illegal discounts on their tax bills still remains to be tried before the criminal prosecution. So:

- Justice Officers extort money on their account, threatening to issue fines for illegal trafficking if they aren’t paid;
- Bribes (often are smaller than payments the defense would ask for if the case went on trial);
- Public service employees (like those issuing driver’s licenses, marketplace permits, passport checks), ask for payments for the service, in order to speed up procedures or prevent delays.

In Latin America, this practice has been institutionalized so much that an entire career is being created to ‘assist’ those who want to interact with government offices. Among corruptive forms, there are to be mentioned:

Big bosses of public services charge with “income taxes” their subordinates, asking them to raise the set amount each week or month, in order to transfer it into the raise. In Mexico City, such an example was developed so much that a road traffic officer would be paid for the patrol vehicle, gun and the work, aside from the payment going to different officials, in charge of transportation, weapons and surveillance. Phantom names appear on payroll departments and pension lists, as well as imaginary institutes have been created, which if real, would represent government funds.

In Uganda “an entire ghost school” was all of a sudden made evident by the control done within the framework of the reform project in the public sector. The Nairobi Commission found many such examples in the Tanzanian neighbors. Even France has not been spared. An army cashier had created imaginary units within the French army, securing them private payments.

Corruption in China, where bureaucrats have “commercialized their administrative power,” is no different from that in Europe, where political parties have profited large in bribes in public works projects. In Italy the cost of road construction fell down to 20%, when “clean hands” hit corruption. Dirty funds were created in Swiss bank accounts for illegal financing of a political party and there are suspicions that these funds have “gotten into” the pockets of certain individuals. Also, bribes were paid to political parties for special insurances. Different companies have feasted and entertained, or have bribed the officials, especially at

international borders, to secure businesses in illegal and dishonest ways and, not rarely, with devastating consequences.

In UK, the scandal of conflict of interests, implicated MPs to the point where public confidence in Government Cabinet ministers, who were considered to generally be telling the truth, was rated with 11% (doctors and physicians together with 84% and TV news broadcasters with 72%). While most career groups improved their position compared to the previous ten year period, the ranking of ministers and politicians, which was low, got even lower. The reaction of the press suggests that public cynicism has grown (it should be taken reservedly) since 1931, when the plot was reached.

British politicians have failed more due to unfair judgments, rather than criminal acts, even though, in Continental Europe, in countries such as Belgium, Italy, Austria, France and Spain, political personalities are under investigation and trial for criminal abuse of trust. Sometimes, in the United States of America, a large number of political personalities are under investigation. In Australia, ministers have been jailed, while in New Zealand, an Auditor General was jailed as he claimed to have abused with public funds. In spite of this, Transparency International in 1995, ranked New Zealand among countries with lowest levels of corruption, among 41 countries included in the opinion about the businessmen doing international business.

Based on this picture of prestigious international institutions, it results that corruption in all of its forms, is not unique for any country, but it takes forms and shapes after continents, regions, countries, political systems, traditions, types of profitable businesses, degree of rule of law, etc.

## **6. Reactions to corruption and political will**

In this issue it is important that feedback creation is handled, types of reactions and the role of the government and politics in reacting against corruption.

Regarding the creation of reactions, we need to refer to the question of the former American President, James Madison (1751-1836), who propounded if the government itself was the maximum of all reflections on the human nature? If people were angels, no government would be needed. If it were the angels to lead the people, no control over the government would be necessary, being it internal or external.

Despite the numerous activities around the globe in the past decade, the idea that there should be a corruption reforming may still be considered as missing, as in its beginnings. History is full of promises for great reforms and the apparent inability to even try and keep them. Such an example is former South Korean President, Roh Tae Eoo. Once elected, he solemnly promised that he would be the “cleanest” president in the whole history of his country, but ended up in prison over a bunch of charges for corruption.

In other cases intentions are genuine: the newly elected leaders declare their determination to eradicate corruption, who are soon to be found surrounded by a whole bunch of major problems they need to be faced with. Others still, just pose and hold speeches or sign laws – with no hopes for them to be followed by significant changes. Some enact reforms, to not obey them privately.

Former German Chancellor, Helmut Kohl, played a major role in drafting the reforms that would limit illegal financing of political parties, just to be discovered later on that he was essentially, against anything he had declared to have believed in. At times, optimistic voters were imposed to their governments to come back to the promise of fighting corruption forcibly and effectively. Some governments have been overthrown by the inability to cope with the phenomenon; others are elected hoping that they would work better.

There are only a few that have reached sustainable progress. At least, there need to be changes and they need to be substantial. An additional difficulty for the developing and transitional countries has been the inherited weakness of their governments. Thus, for some, the need to “create” brand new governments is greater than their “remake.”

Analysis of failures on corruption in the past has revealed a number of reasons, such as:

Limiting the power at the top. A head of a state may try to confront the challenges, but is effectively obstructed by the existing corrupt government machinery. Thus, Tanzania’s President Mkapa, with his election in 1995, publicly declared his and his wife’s assets, asking other leaders to follow his example.

Corrupt officials, knowingly or not, show an aversion for other people, no matter how small or innocent appear to be their corruption acts. This aversion finds support within its megalomaniac beginnings that, if allowed to be fed, it will thrive and grow bigger into increasingly greater acts, when other people are considered unnecessary and other people’s lives, meaningless.

Experience has shown that all the corruption is a sham, a lie that sacrifices the common good or the public interest for something much less. It not only leads the society in the wrong direction, but it also deprives the government from its legitimacy, supports the wrong type of public leadership and installs the wrong example for future generations.

Political and administrative personalities of lower ranks may want effective changes, but can be strictly limited by the lack of commitment at leading levels.

### ***6.1 The role of reforms***

Reforms tend to not include those who are on top, but focus on lower political and administrative levels, seeing the argument that those who are on top, are either in no “need” for reform, or will be openly opposing everyone who’d dare. Consequently, those below see that they are being treated in an unequal and dishonest way, so that the reform will be quickly suspended. Overly ambitious promises lead to unrealistic and unachievable hopes. Those promising what they cannot accomplish, quickly lose faith in those around them.

Reforms without a specific and attainable goal, fail to reach a concrete change. They are made once in so many years and uncoordinated, losing thus, where they belong to and the commitment to effective implementation. Reforms have relied greatly on the law, which represents an uncertain instrument in attempts to change people's behavior or very commanding, pointing at repression, abuses of power and the rush to another corrupt regime.

If the legal system does not work, chances are that the problem is spread in the justice system (with delays, corruption and insecurity), than in vocabulary of the law itself. If existing laws are not implemented, chances are few for the new ones to have any impact;

Institutional mechanisms do not work. Even where reform attempts are real, once again institutional mechanisms are needed to carry it forward, because first champions have left the scene. A classical case is that of Justice Planes in the Philippines, who reformed the tax administration, increasing its ability to effectively and honestly collect the taxes, but once he left office, the reform began to unravel.

The reform should also be able to afford a set of high interests: those who break the rules, to either add up to their small income, or to boost their deposits in foreign bank accounts, risk resisting this process. Many



others are in such a position as to mislead the reform: some are so powerful and determined that they could use violence, too. Potential risks to reformers in these countries are real.

An internal change, with a thorough and effective examination of country's honesty system may be necessary by seeking special political and managerial capabilities. Heading the Parliament can also be unpredictable, refusing to remove those corruption fields from which parliamentarians benefit personally.

For example, the hardships of the Nigerian President, Obasanjo to decree an anti-corruption package from the National Assembly, in 1999-2000, as some observers qualified it, came partly from the personal risk some parliamentarians scented.

The number one and main principle of reform is quite simple – do not ask for the impossible. Attempting a thorough wash off of the past is the same (at best) as looking for difficulties.

It is important to identify the most promising areas of reform and focus on them. A small assurance for “quick profit” can do more than just make some changes, they tell the system and the public that change is possible and is on the right track.

Second, the accent should be put on the “customer friendly” motto for as much as circumstances allow, in order for the process to be less threatening to the public. There will be of those who will understand that rules have changed, following hereby the reform which would prevent future corruption. Preparing the foundations: an environment with high principles of public life.

What is the public entitled to expect from the leaders? If it can't be seen how much self honesty is in reform leaders, then all anti-corruption efforts will deviate and public commitment to reform will fade out. But honesty does not represent everything; moreover it represents the guiding path, to bring to the public those services they're entitled to get from those who lead.

Nolan Committee on Standards of Public Life (the United Kingdom, 1995) has suggested that there are seven important principles that apply to all aspects of public life:

*Unselfishness:* Public officials need to make decisions based only on the interests of the public. They should not use it as a means for financial profits or of any other kind for themselves, their families, or friends.

*Integrity:* Public servants should not put themselves under financial or other obligations of the kind, with other individuals or organizations that could affect the correct performance of duties by them.

*Impartiality:* In accomplishing the public business, example, making nominations to public functions, payment contracts, or recommendations for rewards or benefits of other individuals, government employees should make the selection based solely on merit.

*Accountability:* Public servants are accountable before the public for their decisions or actions taken, therefore they need to obey any detailed control required in their office.

*Sincerity:* Public servants should be, as much as possible, open and sincere about all of their decisions and actions taken. They should give explanations about the decisions made or let out information only when public interests, clearly want such a thing.

*Honesty:* Public servants are required to declare any private interests related to official duties and take steps to resolve in public's interest, any conflict that may arise.

*Leadership:* The public servant needs to declare and support these principles, with concrete examples and leadership. Establishing and maintaining high moral principles in public life, involves a number of elements, affecting: legislation, regulations and codes of conduct; a society, religious, political and social values of which require honesty from politicians and government officials; professionalism of employees; the sense of positive

elitism and honesty of old government civil servants; and a political leadership which appreciates seriously both public and private morality.

All these elements together create and promote an ethical public life, as well as an ethical environment in which politicians and officials are supposed to be honest. In such an environment, it is also supposed that laws and intelligence and investigation means must be sufficient to make it dangerous and costly, any attempt to break the rules, including here, bribes or fraud.

Anyhow, it is important that some key aspects are well emphasized:

- The ethical environment needs to be mastered, enforced, adapted and applied evenly and sustainably in the public sector.

- The ethical environment needs to be self-sufficient and honest; if it has potentially weak points, it should be introduced to new ways of responsibility, or the existing ones need to be improved and tightened, so that vulnerabilities are eliminated.

- The ethical environment requires political commitment and leadership to inspire confidence, even though, it is not just politicians to be held responsible for having and enforcing it; and

- The ethical environment depends on changes at lower levels (the details of reform), for it to be able to deal with the consequences of failure. Failure could come due to: lacking a course on standards of conduct or defective implementation of procedures, disinterest or ignorance in leadership, mixture of decision-making powers, inadequate financial information and managerial system, working manners that do not respect the laws, poor employee relationships, autonomy within the organization departments, poor employment and training policies, little or no effort to control, supervise and maintain increasing contacts with the values, procedures, practices, personnel and public sector procedures.

The question asked today by many analysts of this field is: Why does vertical accountability fail? In a democracy, there are two forms of responsibility at work:

- “Vertical accountability” whereby voters, the ruled, exercise control over the leaders;
- “Horizontal accountability,” in which those who rule (leaders) are accountable to other agencies (supervisors).

Basically, the rulers and the ruled are similar. There isn't a particular group with political power. Political power is given by the people themselves to elected representatives, for a limited time. If people are unsatisfied, they can take the power from them through the ballot box, by seeking their resignation or punishment. However, based on historical experience, “vertical accountability” has proved to be inadequate for the task.

If leaders cannot get a reelection through the support of satisfied population, they achieve it through a combination of secrecy (so that voters are not aware of what's hiding) and setting up the patronage system. Leaders can also tolerate popular acts in the short term, which can be long-term disadvantages for the public. Politicians will not only try to tighten restrictions to their power and authority, so that they would rule with as little opposition as possible, in some cases, they will even multiply their interferences, just to prove their own importance.

Moreover, the political class that came out with professional politicians, shares broadly a set of possible values with a democratic ideal and their promises as an opposition are in deep contrast with their actions to take over the government. For example, in 1997 the Labor Government came into power in the United Kingdom with a strong pledge to end official secrecy. Their ongoing reforms were rejected to the point where some observers

discussed that the reforms that followed, away from a more transparent performance of the government, can actually increase secrecy areas.

Paradoxically, in a modern state, the bureaucratic class that emerged historically and often serves as a shield to protect the citizens, for the most part, has itself become part of the problem. It was never created to answer the people and somehow, its high levels are self dependant on the political class. Still, in many aspects, bureaucracies have taken considerable power from the political elite, such as, agencies like the central bank, research boards and trade regulations. So, what started out as a barrier against the actions of despots can now be perceived by the public as despotic, itself. So, as an epilogue, people feel like their will has been ignored and elected representatives complain about their self-control being taken by a large number of bureaucratic agencies. In a democratic environment, chances for vertical accountability success seem to be very favorable. In theory, those who rule and those ruled are similar to elected lawmakers by the people for temporarily determined and empowered terms, only. If they rule badly, people, the ruled can vote against them.

If they abuse their power, people can seek their punishment and/or their resignations. Despite of this, the concept of vertical accountability has proved inappropriate. Politics has become a profession, and as such it has got its laws and standards approved, which are to be obeyed by the political class – those who rule and those against them for power. Transparency regarding the people is often seen as an advantage to lawmakers, who have interest in controlling what the ruled know and how what is happening to them is presented. Those who rule can take advantage of their hideout behind the government techniques and they give less than detailed scenery of their activities.

So, vertical accountability fails due to several reasons: people are not properly informed about the activities of the ruled, they have no power to find out exactly what kind of abuses may have occurred; and the election process is only periodic. So, even in free elections, an administration has been judged in the entirety of its timely performance, as it is perceived by the electorate, rather than taking into consideration specific acts of abuse.

## ***6.2 Analyses and balances in creating horizontal accountability***

The goal of every integrity system is to create a system of analysis and balances within the framework of core acceptable principles (usually conserved in a written constitution or basic law). In fact, a self-sufficient “virtuous circle” has been established in which, principles at stake are all controlled by oneself or by others.

This is horizontal accountability, which is different from the vertical one, in which actors have responsibility towards each other through a horizontal plan, rather than upgrading responsibilities in a hierarchical structure, reducing in size. This basically means that no person or institution is in a position to dominate the others.

As such, it represents a rejection of “absolute power” that corrupts “absolutely” in the famous saying of Lord Acton. However, a self-sufficient circle can be built on integrity or fraud. Each officeholder is at potential risk – whether it is the Prime Minister, a judge, an auditor, or a new official, even though some are fairly weaker than others, based on the value of the decisions they make and processes they control. The challenge is to build a transparent and accountable system, with two main goals:

The first one is to prevent fraud;

The second one is to get the major players believe in a real opportunity being there to eliminate fraud.

Monitoring of corruption cannot be left simply in the hands of public prosecutors and law and order authorities, the action cannot depend on eliminating and prosecuting criminals, only. It should rather involve a combination of interrelated agreements. This method involves improving the transparency of relationships in particular and, if possible, prevents the development of relationships that may lead to, where possible, prevention of developing relationships that may lead to corruption.

It includes transparency in financial matters of key players and the future of reviews made by independent institutions which are likely to be out of any particular corruption network.

Even though, corruption can never be fully controlled, it can be controlled through a combination of ethical codes, resolute prosecution against criminals, organizational change and institutional reform. Organizational change in the civil service can help reduce chances for corruption practices.

Singapore, for example, began its successful anti-corruption program in the early 1970s, by instructing temporary secretaries (heads of government ministries), making their employees become aware of the serious effort to eradicate corruption and advising them to report any case of corruption.

Temporary secretaries were asked to take adequate measures in the departments especially exposed to corruption. These measures to include:

- Improvement of work methods and procedures, shortening the time of service;
- Raise the managing efficiency by allowing directors to be demanding and control the work of their staff;
- Make sure that no employee or group of employees stays in a single operational unit longer than they should;
- Implementation of unexpected testing of the work of employees;
- Making the necessary security arrangements to prevent unauthorized personnel gain access to the premises of a department; and revision of anti-corruption measures taken in three or five years, in order for other improvements to be introduced.

### ***Some conclusions and suggestions regarding prevention and fight against corruption in general***

Based on our analysis and study on corruption in general and, the territory of Tirana District Court, in particular, we come to several conclusions:

1. Corruption is a widespread phenomenon in Albania and especially in the territory of the Tirana District Court, which affects the majority of important institutions of the Albanian state and local administration. Even though lately, there have been signs of improvement, corruption is furthermore one of the most difficult challenges of the legislative, the executive, politics, judicial authorities, those of rule of law and the society, in general. "Classical" corruption of public officials in the tax administration, customs, procurement, health or judiciary, are some of the main areas of this concern.

2. Corruption in Albania, and in our case study (Tirana) has almost that criminological and anatomic profile, phenomenology and characteristics, features and levels present in almost all developed and developing countries.

3. In recent years, Albania has undertaken numerous actions against corruption with impressive results. Drafting of the National Anti-Corruption Plan (the matrix) and the establishment of the Anti-Corruption Multidisciplinary Monitoring Group (ACMG), clearly show the strong commitment – at the highest political level – to fight the corruption problem. Besides, there is a strong support and assistance from the international community.

4. Good legal basis have been set at some of the main institutions in the fight against corruption, which have transformed by taking into consideration the anti-corruption measures. In short, Albania in its first phase, has prepared the legislation and a structure with lots of potential to cope seriously with the problems of corruption. However, the second phase is still to be handled, dealing with the implementation of legislation and the introduction of effective practices and procedures, not to neglect investigations and prosecution of corruption cases. Albania in its fight against corruption, besides its efforts in improving the public administration, must focus on a wider aspect with the public at all fronts, for awareness and educational measures. Greater transparency with the public will be of great help in this process.

5. In addition to these actions and bases built to strengthen and institutionalize further the fight against corruption, we have the following key recommendations:

a) The Legislative amend the National Anti-Corruption Plan, especially with a more powerful notion of involving the civil society and the business sector in the implementation of the Plan and to empower the involvement of the civil society and the business sector in the activities of the Anti-Corruption Monitoring Group (ACMG).

b) The Government to improve transparency of public authorities towards the media and the general public through the implementation of the legislation on public's access to information and documents.

c) Institutions responsible on the rule of law to systematically collect and proceed in a modern way with evidence related to corruption, especially in areas where specific problems of corruption are encountered.

d) Organizational structures of the police and judiciary (Judicial Police) are revised with a vision, in order to establish a higher level of organizational autonomy of the police.

e) There must be developed an ongoing modern educational and training process for the police, prosecutors and judicial police about corruption (especially, typologies and international dimension) and its connection to crime pertaining to it. Study tours and trainings abroad would have a great impact on the professional advancement of these employees in order for them to be able to fight against new forms of corruption.

f) Conditions to use special investigative techniques in matters having to do with serious corruption must be reconsidered, given the need to respect the principle of proportionality and existing legal and constitutional limits.

g) Conditions for judges, especially those of district courts, to be improved to the possible degree and the current system of evaluation – within its constitutional framework – to be revised, so that an accountability mechanism for judges is developed without interfering in their independence and impartiality.

h) To set a clearer rule of the Ombudsman and raise public awareness towards it. Besides, Albania should also consider for the Ombudsman to be able to conduct investigations on their own initiative.

i) The independence and specialization of the Public Procurement Agency be considerably empowered, so that the staff is given, to the possible extent, the status of civil servant and training is institutionalized and focused on anticorruption measures.

j) The High State Control, at the beginning of the fiscal year to make a public statement reflecting the purpose and justification of planned activities and that the High State Control be given such budgetary capabilities as to be able to plan and finance its own activities.

k) A further reduction of the list of categories of officials who have immunity be considered and/or the scope of immunity is reduced maximally. The initiative of a group of MPs for voluntary removal of immunity is an initiative that should be complemented, regardless of the outcome, or of how big a cost.

l) To identify as priority areas for a corrective action those sectors which are particularly vulnerable to corruption due to the lucrative capabilities they offer or are delicate to punishment and prevention of corruption; it particularly requires the government to agree and appoint international “observers” to work inside the Health Insurance Fund, the Customs Services, the Prosecutor's Office and the judges.

m) Encourage the passage of laws that would limit the field of activities of governing parties to appoint officials based on their political patronage before employment based on skills.

n) Political parties and civil society are involved more actively in anti-corruption efforts.

o) In the fight against corruption, to be given significance to four universal priorities of the fight against corruption: 1. Reducing political corruption; 2. Reducing corruption running through public market; 3. Improving the fight against corruption standards in the private sector; 4. Promoting international conventions against corruption.

p) Implementation of an effective anti-corruption strategy needs to be faced with four challenges: a) the issue of credible leadership; b) must find the right moment when to start the anti-corruption work; c) the third challenge has to do with the fact of what the nature and type of corruption diagnosis is there in the country; d) assessment of the political culture is the fourth challenge (what is considered power and responsibility in the respective country and the issue of trust that people have in the government led by?).

q) Identification of five main pillars of the fight against corruption should be at the center of any national strategy: 1. Lowering poverty and social inequality; 2. Consolidation of democracy and participation in the democratic governance; 3. Consolidation of security at international plan; 4. Contributing to a healthier environment and its constant development; 5. Enabling transparency in international commercial transactions.

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