



Examining Corruption in Administrative Legal Systems

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Abstract- Administrative corruption threatens social justice, state public security and human source and may lead to dangerous results for state political and economical stability. Administrative corruption has been defined in different views; by virtue of a comprehensive definition that is any organizational personnel's action or negligence in order to make some profit for themselves or others in return for some money or receiving illegally another thing. In this study administrative corruption in legal systems was examined and finally some methods were proposed in order to correct it.

Keywords- *Administrative Corruption Threatens, Social Justice, Receiving Illegally*

I. INTRODUCTION

Manpower is one of elements of community and so of all organizations and is the essential factor to achieve social, political, cultural and economical goals. So the regime and high authorities of all governmental organizations and departments are to protect manpower against different damages and guide it to a sound and efficient community. One of the devices necessary to benefit from manpower correctly for the goals of each organization is a sound administrative environment. The experts believe that administrative corruption should be considered as a serious threat to social justice, state public security and social manpower, too because many social and economical disorders are in relation to administrative corruption and when such disorders intensify they may be serious threat to state security. In political dimension the administrative corruption brings into question the whole democracy and government integrity. In judicial dimension administrative corruption weakens law dominance and presents unjustly the governmental service for people. Although the supervising and preventive departments are necessary to correct the work environment and create the fields necessary for governmental goals achievement and development and the people who violate laws should be punished, but if we find the roots of the crimes and offences, we can prevent better the corruption and create a sound organization to benefit from administrative manpower more efficiently.

II. THE NOTION OF ADMINISTRATIVE CORRUPTION

Corruption means 'Breaking' so it breaks or violates something. Webster dictionary stats corruption as illegal award to make someone to ignore his (her) duty, so corruption in all forms is to deviate from legal duties, misuse personal powers or benefit illegally from one's position or profession. Middle Age thinkers had said that the root of administrative corruption is human's infinite ambition. The Renaissance philosophers and theoreticians considered administrative corruption as authorities' misuse concerning their position in order to increase illegally their income.

It goes without saying that the Middle Age thinkers' view is not complete and seems insufficient because different factors influencing administrative corruption is ignored and considers it an inherent quality for human. The Renaissance philosophers' view seems more complete but is limited yet because it considers something administrative corruption only if it is illegal and has not pay attention to the forms of administrative corruption. Some contemporary researchers define administrative corruption as misusing governmental power for personal profit.

In a comprehensive definition it can be said that administrative corruption is a set of plans, decisions, works, encounters and relations in the office (Work place) against state regular policy, administrative regulations and social profits and goals, ignores public benefits and corrupts the organization. It is clear that the common element in the definition is the violation of moral and legal norms in relation to administrative and organizational operations; hence, administrative corruption and its definition are in relation to the norms accepted in the community and its culture. By virtue of the definition mentioned in Iran Law Promoting Administrative System Integrity and Combat Against Corruption approved on 18, May, 2008 administrative corruption is any individual or collective action or negligence by any corporate or non – corporate person or organization in order to gain some direct or indirect profit or advantage for own or others by violating state laws and regulations or damaging public or collective properties, benefits, sources or health such as bribery, embezzlement, collusion, misusing administrative or political position, possibilities or information, receiving and paying illegally from public sources and paying from such sources to other illegal

allocations, forging, destroying or hiding documents and administrative and financial records and gaining illegal income subject to Article 2 of Law Intensifying To Punish The Bribe, Embezzler and Fraudulent approved by The Council Recognizing The Regime Benefits on 06, Dec. 1988 . Besides, private professional institutions undertaken public mission are defined as nongovernmental institutions executing some governmental duties according to related laws and regulations (Such as official experts' association, medical and engineering associations).

III. TYPES OF ADMINISTRATIVE CORRUPTION:

The researchers have examined corruption in different viewpoints and supposed different types as follows:

Little corruption: little bribery by the clients and accepted by the governmental employee(s) to solve personal problems is of this group. Besides, when the employee demands graft but it is not organizational it is personal corruption.

Organized corruption: when the system survival depends on corruption the corruption is an organized corruption; in such conditions the organizations, regulations and behavioral norms are in harmonization with corruption. **Big corruption:** when the state high authorities and politicians abuse their authority to gain huge profits by contracts and great state plans. **Black administrative corruption:** which is illegal by government and people and related offenders should be punished (Such as bribe in order to ignore essential security principles regarding residential constructions, roads, etc).

Grey administrative corruption: which is unacceptable by the government, but people are less sensible in this regard; for instance, the employees neglecting to carry out the laws less frequent among people but the former are obliged to observe them. **White administrative corruption:** which is apparently against law but its execution is not important for government and people in a manner that the performers would be not considered punishable; for instance, when some regulations violation is ignored because they are not necessary by virtue of social and cultural changes or when an employee helps a client who is not able to queue up to get something.

But by virtue of law science administrative corruption includes bribe, embezzlement, theft, misusing governmental facilities for own or others' profit and imposing unnecessary costs on government budget, tax corruption, employment corruption, ignoring competency principles in employment, selection or promotion of people in an organization, preferring relations to regulations, corruption in governmental purchases from private sector, overtime work without any reason, illegal award or advantage, corruption regarding to issue license for economical and social activities, corruption in governmental contract works with contractors, spending time in the office to do something other than main duties and stealing public properties by the employees. It goes without saying that it is not possible to define all cases of administrative corruption because many new ones appear daily; for instance, some authorities may pay too much for some law quality goods or some offices may pay more when

the employee(s) has(have) had no real overtime. Slow employees or even bosses are frequent; besides, some employments are inappropriate, unnecessary or wrong.

Unfortunately nowadays some bad things such as bribery are not considered immoral by community either ; no decisive and scientific strategy has been deliberated to combat against it according to social realities; also complicated regulations and administrative procedures and their ambiguity have increased it and its immorality aspect in the community so nobody is afraid of doing it and everybody accepts it pleasantly without fearing of law and its executors and resorts to discriminations and economical problems to justify his(her) faults.

IV. THE STRATEGIES TO COMBAT AGAINST ADMINISTRATIVE CORRUPTION

It goes without saying that the combat against administrative corruption needs a national mobilization and political policy and when such national mobilization and political policy are not fulfilled any combat would not be guaranteed and is futile. Besides, an effective strategy is to diminish government and governmental departments and develop private sector. The people's cooperation is necessary to find any corruption and related offenders; people's cooperation is possible when they have confidence so all organizational, administrative and governmental activities should be stated clearly and the mass media should dare and be able to ask authorities questions and report freely their answers. Also certainly actual regulations (To combat against administrative corruption) should be amended to create the field necessary to combat against the corruption and remove the corruption conditions. It goes without saying that without observing other countries' experiences and international norms mentioned in international deeds such as the Convention to Combat against Corruption (Of UN) any enactment or amendment would be futile.

Besides, it is necessary to install some mechanism in the government to help continuous combat against administrative corruption, decrease its destructive effects and promote cooperation and harmonization between the related personnel and departments. Of such mechanisms are to systematize the works, clarify the administrative and financial activities, regular and right reports, active and exact supervision, find and follow the offences and crimes and punish them. Also it is necessary to cooperate and harmonize governmental and judicial units to find the crimes and punish the offenders as soon as possible; in this regard managers' and judges' mental, social and economical security makes them to punish decisively related offenders. Also some other performances mentioned as follows may be very useful to combat against corruption: promoting the supervision, organizational examination in and out of the organizations, employing inspectors and specialist reporters and benefiting from computer science to gather statistics and data with high quality and quantity.

It is necessary to control covertly, audit openly and supervise comprehensively to combat against corruption. A

part of the combat against corruption is public supervision promotion. The parties, trade unions, institutions and mass media should supervise the government operations. It goes without saying that wherever power but no supervision corruption is appears; so power should be controlled by social supervisors and power and political and administrative options in turn should be observed as a rule. When administrative activities are clear specially regarding financial affairs the government would be able to limit more seriously the administrative offenders and prevent them. Lawrence Graft who is the head of England International Clarification Organization believes that 'The first step in clarification is to present a clear image of governmental income and the government should announce clearly its income'. Certainly there is a near relation between social living, economical growth and corruption decrease and when the incomes increase the administrative corruption decreases too much or partially.

V. CONCLUSION

Administrative corruption is a phenomenon which has been very harmful to development. It had become complicated because there are many effective factors in this regard; that is why many governmental plans and programs have been unsuccessful to combat it. Notwithstanding many correcting programs and regulations to combat or decrease administrative corruption since many years ago it is unsolved problem yet (Because the laws and regulations concerning financial affairs to prevent incomes and governmental sources wasted are so much that they often make the organizational programs and goals slower), but however, the legislator has enacted the law promoting administrative system integrity and combating against the corruption and the law is to define the integrity criteria and a council has been defined to distinguish them; also the council should consult with other institutions and having defined the indexes before September yearly it should report the position of the administrative integrity of the organizations to related authorities and then to people; for the first time the council examined if it is a good idea to report the organizations integrity rate to people.

Notwithstanding the advanced communities have religious and national tendencies, consider corruption as a bad phenomenon and have emphasized on the combat against it corruption has blocked many ways to develop socially and nationally and imposed much costs on both governments and people. One of these great harms is the increased social gap led to make people consider their community unjust; that is why the belief in social system (Collective conscience in Durkheim's conception) decreases; in other words, one's mental control on his (her) behavior decreases. Although many programs have been executed to combat corruption until now they have not been very successful; some of the reasons concerning such failure are as follows: the administrative offenders are not punished, the personnel who works in the combat sections of political and administrative organizations are venal, the administrative experts and powerful,

economical groups benefit from administrative corruption which has become institutionalized to redistribute the incomes for the experts and the programs and supervision on governmental organizations are not continuous and systematic to combat administrative corruption.

We need some essential and comprehensive programs influencing public culture and its dimensions to become an organizational culture in order to decrease or remove administrative corruption in administrative system and community. It goes without saying that an organizational culture has different functions and may present a behavioral pattern for the personnel to control their behavior and leads to fixed favorite ways to motivate them to feel responsibility and undertaking toward their duty more than their personal interest and then the corruption decreases in all levels of community; also this is confirmed by the law promoting administrative system integrity and combating corruption, but no organizational culture pattern has been defined yet.

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