THEORETICAL APPROACH OF CORRUPTION COMPLEXITY IN PUBLIC ORGANISATIONS

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Abstract: The main objective of our article is the critical analysis of the corruption phenomenon based on the literature.
Our research will look for the way corruption is perceived at national and international level. We will highlight the most used methods of measuring the perception of corruption seen as tools developed by anti-corruption strategies.

1. INTRODUCTION

Corruption is an omnipresent phenomenon in any society, a phenomenon that adapts to national and organisational particularities due to the flexibility of individual interests and the fluctuating nature of individuals.

Although it is a common plague that has been manifested since ancient times, the definition of corruption involves a multitude of facets, depending on the way this concept is approached.

Thus, one of the definitions frequently mentioned in the literature, including by Tanzi (1998) considers corruption as "*the abuse of public power in order to obtain private gain*".

Joseph Nye (1967) refers to civil servant and believes that he or she manifests acts of corruption either by action - by departing from the duties normally attributed to him for the purpose of gaining some benefits in improving income or social status - either by inaction - by failing to perform certain tasks in order to create advantages for third parties. Nye centers the notion of corruption around the civil servant and his duties, but does not include illicit acts committed in the private environment in the sphere of corrupt acts.

Klitgaard (1998) establishes a direct relationship between the value of the bribe - the chances of the corruption act being discovered - the level of sanctions - stating that many civil servants will be tempted to practice a corruption act if the amount of the bribe is high and the chances of the corruption act to be discovered are small and the applied sanctions are mild.

In this context, our question is the following:

Why is the phenomenon of corruption widening in public organisations?

2. THE NEGATIVE EFFECTS OF THE CORRUPTION ACT

In order to understand the magnitude of the corruption phenomenon in public organisations, we detail several elements of the corruption act and start from Leys' article in which the author identifies actions that are considered to be acts of corruption, starting from 6 concrete examples in Illinois (SUA), Chicago (SUA), Kampala (Uganda), Port Harcourt (Nigeria), Port Harcourt (Nigeria) and concludes that these acts of corruption share the same cause; this reffers to the fact that corrupt violates a written or unwritten rule in relation to the public interest of an institution / public official (Leys, 1965, p. 220).

Thus, it is necessary to analyze the official purpose of each public organisation, the way in which an action that perverts or contradicts such official purposes is considered as a complex problem of research into attitudes, incentives and attempts to corrupt the official purposes of an office or institution, the ease with which corruption (once defined) can be continued.

A World Bank study (2004) presents the factors that contribute to the emergence of corruption; these are the following:

a) the legitimacy and authority of the government as a guardian of the "public interest" is contested;

b) "rule of law" is poorly incorporated - systemic corruption develops where laws are applied differently and where the law is used in favor of private interests instead of protecting the public interest. In such environments, police abuse is often used as a shield for corrupt activities;

c) institutions are weak and inefficient;

d) there is no organisational culture through reward system;

e) the laws that manage the corrupt activity exist at the formal level but are not applied.

The study carried out by Gardiner (1993) focuses on the effects of the variations in the definition of corruption and their resonance in different entities and spaces.

Johnston (1999) studies the relation between democratization, economic development and corruption and proposes the use of corroboration evidence as a diagnostic tool to understand the particular issues of democratization and development of a country and addresses residual issues in the process of democracy implementation and the dynamics of criminal deeds in making an economic, political and social diagnosis for the observed entity.

Jain (2001) argues that in order to comit a corruption act the following elements must be present: *discretionary power, understood as the power to define rules and policies or to apply them, the predicted economic rent associated with discretion, the expected cost of corruption*. His opinions are generated by the study of entities with autocratic valences in which the mechanisms of exercising power manifest themselves, predominantly, in informal color. Although this mode of exercise of decisional power is accepted, it consolidates a static component in relation to normal social dynamics and progress.

Maryvonne (2004) emphasizes the minimization of corruption through technical formulations, which has a discreet manifestation in relation to the size and complexity of the phenomenon. Contemporary approaches are restrictive and ignore the

existence of multiple valences of corruption, considering that they are not barriers to the scientific approach of the study of corruption.

Dobrescu, Sima and Sima (2010) focus their observations on the limits and specifics of the status-role of the perpetrator, their opinion being in line with the legal content of the corruption offenses incriminated by criminal law.

Nicolae (2010) explains corruption in the public and private sector, nowadays and in the classical period, including both corrupt individual and systemic behavior.

Sabău-Pop (2011) focuses on the illicit activity of the person that corrupts and whose effect is a generalized damage and analize the existence of the corruption act unilaterally.

The legitimacy of the organization directly influences the extent of corruption because the more an organization promotes and supports ethical principles, the lower the probability of corruption acts (Burlea-Schiopoiu and Popa, 2013).

Beyerle (2015) highlights the particularities of corruption. He considers the phenomenon as a tool used by political regimes to obtain and preserve power through pecuniary means, blackmail and forms of government-guaranteed public pressure. Generating corrupt behaviors among opponents guarantees the monopoly of decision-making power and dilutes the opposite.

Burlea-Schiopoiu and Idowu (2016) believe that managers face ethical dilemmas because their position within the organization is vulnerable to corruption. On the other hand, dispersion of responsibilities encourages corruption, regardless of the level it manifests. (Burlea-Schiopoiu and Remme, 2017).

The destructive effects of corruption must be taken into account at two levels: state level (national level) and citizen level (personal level).

At national level: corruption creates conditions for people who have money and ties to change the laws and regulations of state bodies in their own interests, undermining confidence in the government; the money allocated to the state for the provision of social services (schools, hospitals, roads, sewerage, police) are not being used properly, which aggravates the quality of services, hinders the flow of foreign investments in the country and the development of industrial facilities and a joint venture in the country .

On a personal level, failure to respect the state of law, distrust of leaders, support for extremism and incitement to internal conflicts, hatred against other citizens of the country, undermining the bases of peace and international security; the desire to migrate to other countries where the state's respect for human rights works, as well as transparent mechanisms for financing all spheres of human life; lack of accountability of civil servants for their actions.

Analyzing the definitions of corruption and the factors that conducive to corruption, I consider corruption to be an erosion, that goes beyond the negation, of a system of norms and values obtained by stimulating unlawful behavior of the persons who administer power sources, in order to obtain official and unofficial benefits. The corruption phenomenon is omnipresent and perpetual, with negative consequences on the economic and social development on several levels: personal, organizational, national and international.

3. FROM THE COMPLEXITY OF THE CORRUPTION PHENOMENON TO THE DIFFICULTY OF MEASURING IT

We can consider that there is a close relation between the extent of corruption phenomenon and the causes that it generates.

Therefore, based on the literature criteria I have classified the corruption phenomenon as follows:

1. Transformation into a system – phenomenon (Borsevski, 2008)
- the Asian model - corruption is accepted by society as a social, cultural and economic phenomenon inherent to the functioning of the state,
- the African model – the sold decisional power is divided between economic groups on the basis of mutual agreements,
- the Latin American model - the lack of a reaction to corruption allows the development of criminal groups with a strong decisional impact (crime becomes "state in the state").

2. The social situation of the perpetrator (Becker, 1974 and Gottschalk, 2016):
- the "bottom" corruption is encountered at the lower and medium levels of society and implies the existence of routine, routine relationships between civil servants and citizens in connection with the provision of public services,
- the "elite" corruption, referred to in the literature as white collar criminality is found in the high society,
- perpetrators of corruption demonstrate intellectual refinement in terms of operation, resulting in material, physical and moral damage that affect the decision making on the legislative, state orders and right property,
- specific to this form of corruption is the high position in the private environment or in the state apparatus of the perpetrator who uses his political and economic influence to achieve criminal objectives,
- the usual manifestation of corrupt behavior lies in ignoring or misinterpreting the law, as a result of intentional confusion between licit-illicit,
- the spectrum of crimes committed by people in the top socioeconomic class is different from those in the lower socio-economic class - for example, in the private sector we encounter the bribery of public officials by company directors in order to get contracts with the state, taxes and taxes to the state by falsifying financial-accounting documents and corrupting both the responsible staff and the officials coming in control,
- in the public sector, managers of public institutions are inappropriately managing projects to obtain personal benefits,
- "vertical" corruption is perceived as a bridge between elite corruption and lower corruption and the danger of this form is given by the metamorphosis of corrupt acts dispersed in well-organized manifestations,
- the development of "vertical" corruption in public institutions is the result of an economic crisis, the establishment of an authoritarian regime, or the lack of inefficiency of specialized bodies in preventing and combating corruption.

3. According to the corruption phenomenon manifestation (Articles 2 and 3 of the Europe Criminal Convention on Corruption Council):
- active corruption - "intentionally committing an act by which a person proposes, offers or gives, directly or indirectly, any undue advantage to a public agent, for himself or for another, in order to fulfill or refrain from perform an

act in the exercise of his functions "(Criminal Convention on Corruption, 1999, p. 2),

- passive corruption - "the act of one of its public servants to seek or receive, directly or indirectly, any undue advantage to him or to anyone else or to accept the offer or promise in order to fulfill or refrain from fulfilling an act in the exercise of his functions. "(Criminal Convention on Corruption, 1999, p. 3).

4. Depending on the field in which it occurs (Amundsen, 1999):

- political corruption implies the use of power by government officials to obtain unlawful private gains,
- the oligarchs (people who have gained impressive gains through unfair competition) show their influence on state systems, especially legislative and judicial,
- political corruption involves relationships with different public segments, such as presidential power, political group pressure, party financing, economic liberalization.

5. Depending on the institutional character of the phenomenon (Jain, 2001):

- bureaucratic corruption is characteristic for civil servants in lower public institutions,
- high corruption is characteristic for civil servants at the central executive level,
- legislative corruption implies influencing the behavior of legislative structures by purchasing votes.

6. Depending on the manifestation sector (Laver, 2014):

- corruption characteristic for public institutions,
- corruption characteristic for private sector. Private institutions may temporarily dispose of resources that do not belong to them and which can be abusively used contrary to the primary purpose - for example, it could serve the ilegal or abusive management of decision-makers in public institutions such as banks or construction companies where the population invests the financial resources; bankruptcy of these organizations is a result of the illegal removal of the money means.

7. From the perspective of public opinion (Dobrinoiu, 1995; Goev and Boshnakov, 2009; Markovska and Serduyk, 2015):

- black corruption occurs when corrupt behavior is condemned by the entire society, including its elites and pursue its punishment,
- gray corruption occurs only when a part of society, especially elites, seeks to punish corrupt behavior,
- white corruption occurs when public opinion, including elites, tolerates corruption and does not.

8. From a criminological perspective (Wallis, 2006, Laver, 2014, Nicholls and others, 2011, Johnston, 1999, Fombad, 2000, Kahana and Qijun, 2010):

- systematic (endemic) corruption occurs when parallel, unlawful „marketing" of corruption intensifies and strikes, in particular, from institutional levels up to the political levels and is manifested at the central level and also spreading at the territorial level, with a connection between these levels,

- systematic corruption occurs when political actors have manipulated the economic system to create economic rents that politicians could use to control government - policy corrupts the economy,
- systemic corruption refers to "corruption brought, encouraged or promoted by the system itself",
- sporadic corruption highlights limited cases in a low territorial area,
- occasional corruption targets an insignificant number of cases that obviously do not have the ability to form a network.

9. Depending on the effects (Danileţ, 2009)
- functional corruption seeks to carry out legal acts or deeds and the transacted amounts or favors are related to the unification of the bureaucratic mechanism, the value of the amounts involved in the corrupted relationship is small and the occurrence of functional corruption is also a consequence of the cultural environment, some corrupt acts are legitimated by society itself,
- dysfunctional corruption seeks to hinder or fail to perform certain acts or deeds.

10. Depending on the importance (Hellman et al., 2000; Situngkir, 2004)
- administrative corruption is defined as the distortion of laws, policies and regulations by state officials in order to obtain personal advantages,
- state capture is defined as all illegal actions taken by firms or individuals to influence the formulation of laws, policies, regulations in their own advantage and in many post-communist countries, this type of corruption manifests itself as an influence with unlawful payment and influence without unlawful or non-transparent payment.

Given the illicit nature of the phenomenon and the obscure relationship between the participants in the corruption acts, it is extremely difficult to measure the level of corruption. At present, there is no formula that allows us to assess corruption, often being perceived in society only as the tip of the iceberg (the facts of corruption for which there is a criminal trial), ignoring what is below the sea level (the facts of corruption not discovered). However, without the possibility of measuring the magnitude of this phenomenon, it becomes difficult to assess the risks and vulnerabilities of certain areas with particular difficulties in the field of corruption or the success of implementing measures to limit or combat corruption. Measuring corruption is primarily related to the development of anti-corruption policies.

However, there are approaches that indicate the spread of corruption in society. In the field of corruption evaluation, we can find the following methods: a) measuring the general or a target group perception on corruption; b) measuring the incidence of corrupt activities - also called the proxy method; c) use of experts' estimates of the level of corruption.

If evidence of the existence and level of corruption can be provided, high officials, politicians and bureaucrats can not ignore this problem. Even when there is no interest in adopting measures to combat this phenomenon (even being themselves corrupt), evidence of the high level of corruption will force them to adopt a defensive attitude.

In 1995, Transparency International developed the ***Corruption Perceptions Index*** used to measure the perception of corruption in the public sector in different countries. According to the information provided by Transparency International, the index is calculated based on 13 data sources capturing the perceptions of business

executives and executives on a series of corrupt public sector behaviors, including: bribery, embezzlement of public funds, use of public position for private gains, nepotism in the public service. Over time, the index calculation methodology underwent transformations and the databases to which the specialists relate have been improved.

A limit of this indicator is that it does not include important corruption issues. The sources that specialists refer to, do not take into account "the corruption perception or experiences of ordinary citizens, tax fraud, illicit financial flows, money laundering and, most importantly, corruption in the private sector" (https: //www.transparency. org.ro).

Transparency International has always acknowledged that these surveys are the measure of perception, not the phenomenon. This is why the results of these surveys do not always reflect reality. However, they are particularly important because they have a strong impact, in particular, on the international business community, whose investment decisions directly influence national economies. The higher the perceived corruption level, the more foreign investors are less inclined to make short-term commitments (and high returns) to a country.

The Global Corruption Barometer is a citizens survey about their personal, direct and corruption-related experiences, and is carried out on a large scale (for example, in the studies published in 2017, 162,136 adults from 19 countries and regions), the survey contains questions about in taking and giving bribe, the perception of corruption, the desire to act against this phenomenon. In other words, the presented findings in this report reflect the global public opinion on corruption and bribery experience.

The latest report published by the Global Corruption Barometer in 2017 concludes that offering bribes is a much too common practice in the surveyed countries (almost one in four public service users being forced to pay bribes each year).
The analysis of the data reveals that many citizens around the world are ready and willing to help the fight against corruption. However, governments need to step up and make progress on the efforts to prevent and combat corruption in order to convince citizens of real progress.

The Index of bribe payers was made by Gallup International, on behalf of Trancparency International, in 1999. The index analyzes a cross-section of elites across multiple emerging markets (businessmen, bankers, lawyers, etc.) to determine the possible origin of bribery. The index presents the image of corrupting exporters in many major countries around the world. The data from this survey can be considered as very reliable because it targets a certain elite audience and an audience that is ready to be investigated again to measure the magnitude and pace of any change.

The Eurobarometer is an instrument developed by the European Commission, which is used to carry out surveys involving the citizens of the European Union. The findings of these surveys are made public on the official websites of international bodies and generate the foundation of objectives and policies at European level.
Staff exchanges on political criteria in the tax system are common practice in developing countries where work legislation is absent or weak. In some cases, changes are so great and important that the stability of institutions is shaken. Where the number and frequency of changes in civil servants is high, officials see temporary jobs as opportunities to get quickly rich. Usually, officials who are members of a party serve

their political interests, not the interests of the community. Corruption among officials increases due to the lack of reward-based recruitment practices, the absence of regular checks and the lack of mechanisms to protect officials from their superiors against authority abuses. Many times, even if there are regulations against these abuses, officials do not know their rights and obligations or are blackmailed by politicians.

National and sectoral surveys. Surveys on citizens' opinions can have limited value if they do not follow high professional standards and / or address specific sectors (such as health clinic customers to determine their experiences). When it exists, the resulting data can be extremely useful both for establishing a baseline (reference system) against which to measure future changes as well as to determine what is going wrong. The published results can sensitize public opinion and generate public debates. That's why it's important that the results of the surveys to be widely disseminated (especially to stakeholders).

National and sectoral surveys on the measurement of corruption determine:

• promoting institutional reforms, measuring economic and social costs of corruption that can help identify priority areas for reforms and set quantitative benchmarks to assess the success of institutional reforms;

• stimulate technical and concrete debates focused on concrete actions. Data and analysis from surveys help build stakeholder coalitions by encouraging their positive participation, stimulate technocratic debates on concrete reforms and promote collective actions;

• help identify problematic areas and priorities for reform. Research tools include closed, indirect questions that maximize response rates and facilitate systematic data analysis. The rigorous empirical analysis leads to a non-political debate on concrete reforms to fight corruption. Questions emphasize rather empirical experience than perceptual data. Both experiences and perceptions are useful data sources for rigorous analysis. Concrete data on new and old topics is a powerful tool for anti-corruption strategies;

• provide a voice to the community and also strengthen local accountability. The surveys are usually implemented by independent NGOs and by local investigative firms. They can capitalize and strengthen local knowledge and expertise.

4. CONCLUSIONS

The critical analysis of the literature has led us to the conclusion that, as far as the causes of the corruption phenomenon are concerned, they have multiple valences. A first cause is related to the human nature that is guilty for the existence of ethical lack of behavior. On the other hand, the importance of the economic, social and political context must not be neglected when considering public integrity, and we need to take into account aspects of legislative regulation - the existence of a system of coherent, procedural rules which are easy to implement by empowered institutions. Any violation of this may have adverse consequences in the existence and proliferation of the corruption phenomenon.

This phenomenon is not limited by territorial borders, its multiple effects are likely to manifest at international level, which determines a permanent interest in preventing and combating corruption; states have joined efforts to develop common working tools that allows them to get positive results in the fight against corruption.

At local economic level, the visibility of the impact of corruption is enhanced by the personalization of the actors present in the public sectors, by the possibilities of determining the level of satisfaction of the citizens' needs in relation to the resources available to the decision-making entities and the requirements of the community through the stagnation or even the regression of the social development economic situation of the locality as well as diminishing the population's confidence in the promoted economic model and objectives.

By summing up these causes, regardless of their specificity, in our future research we will outline a psychological profile in which the intellectual elements, resulting in a formative framework with principles of integrity, are altered by the appearance of the temptation to commit acts of corruption. The transition from temptation to corruption acts can only be counterbalanced by the fear of not being sanctioned. In addition to this, in a society, the peak of corruption development is reached when the population realizes that the probability of obtaining undue benefits through committing crimes is greater than the probability of being caught and sanctioned. These moments are usually encountered when the state faces an economic or political crisis that results in institutional vulnerability.

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