



CORRUPTION AND ITS INTERNATIONAL DIVERSITY AND THE EXTENT OF ITS PRESENCE IN IRAQ

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Article history:	Abstract:
Received: 4 th December 2021 Accepted: 6 th January 2022 Published: 12 th February 2022	Today, corruption exists in Iraq. It is results in the exploitation of power for the benefit of special public interest expense, its target deviation and gain illegal and exit the system public figure for the benefit. Its is the use of illegal forms of political influence . and administrative In Iraq, it results in the exacerbation of corruption networks with weak central administrative authority and overlapping of different parties and organs with state organs, weak financial controls and policies of a to criminal and weakness in the Iraqi legislative environment. There are many types of corruption mastered those networks in use interests of personal, which sometimes transcends the used international .corruption

Keywords: Corruption

INTRODUCTION:

Corruption cases hit some communities and especially those experiencing a breakdown in societal values or situations flaccid to the foundations of community co - existence or occur after the internal and external wars or the authority of a dictatorship tyrannical. This happens due to the collapse of the moral systems of political and social work. So, it leaves constitutional and legal voids. This stimulates weak people to exploit their influence and positions for enrichment at the expense of public money (Muhammad, 2007). For a lost diversity it means today 's corruption in Iraq(Abd-Al-Latif, 2014), and this matter required from the researcher to study those means and the extent of their presence in Iraq from the beginning to clarify the picture before the authorities obligated to combat it legally, judicially and socially.

1. The research problem: Corruption in Iraq, with its multiple types and means, has become a phenomenon that affects the freedoms and rights of individuals. It is a serious threat to the state's economic and political entity and its international reputation. It requires the foundation for the existence of the ground to fight this phenomenon, through the means of national and international legislation to help in that (*International Crisis Group reports, failed responsibility, Iraqi refugees in Syria, Jordan, Lebanon, Middle East Report, No. (77), 2009*).

2- The importance of research: the research could constitute a tool to clarify the concept of corruption, financial and administrative in Iraq by identifying types and means of practice in preparation for its elimination.

3- Research plan - The research plan is based on a scientific methodology and its contents are divided into one research with several demands. In addition, it includes the introduction and conclusion that include the most prominent results reached by the researcher according to the following research division.

The first topic - the concept of corruption and the types of international corruption and the extent of their existence in Iraq.

First: the concept of corruption.

To clarify the topic of the research, we will first address the definition of corruption legally and accordingly, and then define it according to the United Nations Convention against Corruption in 2003, according to the following:

The first branch: the legal definition of corruption:

To find the most appropriate legislative means to combat corruption, legislation necessitated jurists define its concept carefully and then study it in all its aspects. Hence, it is a behavior that exists in the system, its target to deviate and gain. It harnesses functional bad for a personal interest. It is a deviation from adherence to the legal rules, and this is administrative corruption when the employee violates the legal rules for his own benefit or the interest of others (Khairallah, 2004). For example, employees accept money or gift in exchange for the performance of the work which has to be done free of charge. They could also perform forbidden work officially. Corruption could also involve the exploitation of the administrative office or misuse of official authority and the likelihood of personal interest p d corrupt(Omer). This means that the legal definition of corruption is the use of public office and brings the prestige and powers of financial, personal and privileges of the private benefit which is criminalized by law and punishable. It is a breach of laws, regulations and instructions for personal purpose, and that must be considered functionally ("Transparency International website").

The second branch: the jurisprudential definition of corruption:

Some jurists have given different definitions for the term financial and administrative corruption. Some have defined the extent of the relationship that links corruption with the legitimacy of governance, models of political forces and the role of civil society institutions. Therefore, corruption prevails in an environment in which the general policy of the government supports a bureaucratic system, and "most of its transactions are carried out in relative secrecy. It does not impose formal sanctions such as bribery and the employment of non - relatives with qualifications and experience etc. "(Tillman, 1994, p. 28)

The third branch - the definition of corruption under the United Nations Convention against Corruption in 2003(Assembly, 2003).

The agreement lists all works that are considered corrupt at that same time. It also gave the member states the possibility of treating various forms of corruption that may appear later, given that the concept of corruption has flexibility, which makes it subject to change from one society to another (Mahmou, 2014)

The agreement shows what is considered as criminal acts that are considered corrupt behavior ("the signed United Nations Convention against Corruption. ," 2003). This gives the will to the member States to address the possibility of various forms of corruption may arise in the future on the basis that the concept of corruption is flexible and adaptable between the community and another (Sheta, 2003).

The Fourth branch: Definition of Administrative Corruption:

Administrative corruption of those practices include a wide range of political and economic practices and administrative suspicious acts. They are often associated with these practices, the public service. In addition, the administrative corruption is a set of behaviors that reflect the phenomenon of corruption which are similar and overlapping often.

Hence, it is an 'abuse of power for their own benefit' ', the World Bank Viaraffn that' 'abuse of public office for private gain' ('Transparency International website ").

Furthermore, administrative corruption is "a group of acts in violation of laws aimed at influencing the conduct of the public administration or decisions or activities in order to take advantage of direct material or use non - direct "(Younis, 2020, p. 13).

Based on the above discussion, administrative corruption is the monopoly or illegal bad employment of the administrative or governmental position. Also, corruption is mostly a product of the exploitation of power for the private interest at the expense of the public interest, as it is a bad behavior and job behavior that is corrupt other than reform, whose goal is deviation and forbidden gain and breaking the system in the interest of Personality (Rashid, 1976)

Second- Types of corruption internationally and the extent of its existence in Iraq:

Communities vary in the psychological and moral structure and class. Therefore, the vision varies from what is considered corrupt or not (Economic Development Institute). The World Bank 's definition of corruption in the simplest is "abuse of power for personal benefit or for the benefit of others and be motivated by greed to increase the power and influence. Hence, our goal as researchers is to study the diversity of means of international corruption compared to what is currently prevalent in the spread of that phenomenon in Iraq according to the following division:

The first branch: corruption in terms of the issue and types:

First - Political Corruption:

Its international presence: it appears most often in regimes that are predominantly bureaucratic, in which the freedoms and rights of citizens are confiscated. Those citizens are deprived of participation in drawing up public policies, in order for the authorities to concentrate in the hands of specific groups of society, namely the holders of power, their families, their relatives and their parties, with whatever means or type, for the purpose of robbery Public money.

In terms of its existence in Iraq: it is appears in the exploitation of influence and power in the exploitation of public money, political and societal instability, the loss of wealth and the country. It also includes other forms of legitimate corruption under the authority of government legislation with mutual interests (Al-Thuwaini, 2015).

This is supported by the corruption report for the year 2004, the International issued by the Transparency International. It noted that there is no country with no political corruption. Also, in Iraq, an example is known for many years as the "auction of the bank of the Iraqi Central core of the foreign currency. It is solid proof of political corruption that no Iraqi political will has succeeded in for decades. This has provided large financial flows and money laundering outside Iraq, and we see that all the data of political corruption and its type and means have been practiced in Iraq openly. It has been practiced in the records of the competent international organizations (Abbas, 2017).

Second - Corruption: The corruption in terms of the actor:

It is also called presidential corruption due to its association with the head of state. Additionally, it is one of the most dangerous types of corruption because the head of state paves its way at the levels of the political hierarchy. This happens especially in the countries of the world that are characterized by low levels of economic and political development (Commission)

This type of corruption generally includes the following:

i. Parliament Corruption:

International presence: this type of corruption comes in importance after the corruption of the summit, and is in the direction of the Authority deputies of the legislative (House of Representatives). It includes the Council of Ministers within the limits of legislation and the proposal granted by the constitution as the highest legislative authority in the country in order to gain financial or administrative benefits without right. Thus, they enjoyed parliamentary immunity to direct the activities of check fortunes or particular benefits. These activities can be in form of laws or bills, or bribes and kickbacks from two other beneficiaries in exchange for legislation decisions. They could also prevent the issuance of certain decisions to restrict their business. This means that there is a

process of wasting national wealth and stealing public money by some entities in the House of Representatives and their interference in personnel affairs, protection of violators, and lack of cooperation with the Integrity Department (Abd)

Its presence in Iraq:

The legislative authority in Iraq is considered, by some people, a partner in the phenomenon of corruption in all its forms, "administrative, financial, political and judicial". These forms would not have grown without the legislation issued by the Iraqi Council of Representatives in its successive sessions.

This has been confirmed by the annual reports of Transparency International that the size of corruption in the Iraqi government amounts to more than four billion dollars, exceeding more than (10%) of the gross national product". Also, the chief American inspector in Iraq, who is responsible for rebuilding Iraq confirmed this (Stuart W. Bowen). This works on the financing of armed operations, in particular through corruption in the oil sector, such as the smuggling of oil to provide support for armed gangs of about one hundred million dollars annually. Also, of the total 192 countries in the world included in the report, Iraq is the third in terms of this corruption following Somalia and Myanmar ("The Lebanese newspaper Al - Hayat ", 2008), Thus, Iraq comes at first of Arab countries in terms of the degree of corruption.

With the existence of many parliamentary legislations to legalize it, this type of corruption could be financial, legal and diplomatic passports for members of parliament Iraqi and the ministers and the three presidencies. This also applies to other Employees Grades. This created a luxurious class at the expense of the other classes of the people (Al-Quraishi, 2012; *Parliamentary Integrity Committee's report on smuggled Iraqi funds*; Yunus, 2011).

Also, this corruption was wide open through hundreds of legislations that achieved benefits, salaries, cars and diplomatic passports for members of Parliament and their families, as well as wages, travel allowances and dispatching that violated the principle of equal rights. The official statistics of International Transparency shows that ranks Iraq ranks first compared with the rest of the world (index of corruption in Iraq) (Sakkal, 2018).

ii. **Political Parties Corruption:**

Internationally - most studies indicate that this type of corruption only appears in countries where elections determine the political future of the parties and their access to power. It is the abuse of authority of the public by the Elites Ruling or those who hold the power to finance themselves to achieve victory in the elections for (il)legal purposes (). This is supported by the latest study published by Transparency International which state that political parties are the most corrupt institutions in 45 countries out of 69 countries including Iraq The existence of 268 parties and entities registered with the Iraqi Electoral Commission(Ekberzade, 2011) shows the extent of corruption for these parties.

The extent of his presence in Iraq:

Among the facts that helped the system of corruption in Iraq to spread are the large number of laws, regulations, and legislated instructions, their overlapping and intertwining, the conflicting legal texts, their ambiguity, the duplication of their interpretation. This is also supported by the existence of legal loopholes that allow the practice of corruption and obstruct the fight against it and prosecute those convicted.

Also, the absence of the political parties law in Iraq, and the identification of the sources of their financing, objectives, existence show help to monopolize public money. This money is one of the sources of financing these parties. It is also the most indicative of the existence of corruption within the work of political parties holding power after 2003. It can be financial, administrative and governmental. Perhaps this shows how those parties finance their propaganda campaign and use the tools and means of state to the succeed in the electoral campaigns and to help its members win repeatedly (Al-Sara, 2020).

iii. **corruption Judicial :**

Judicial corruption is conducted by the judiciary, which leads to a defect in the judgments issued, favoring a person or responsible at the expense of justice and the rights of society. This causes cost rights and tyranny.

Its presence in Iraq:

The rulings issued by the Iraqi judiciary may be the result of the laws of general amnesty for the corrupt people and release with installments for embezzlement sums and waste of public money. This also includes decisions of the Iraqi judiciary issued with effects. The most important of them is the threat in the era of terrorism and after it to make the Iraqi judiciary lose its prestige in the view of the majority of the people, weak in fighting these crimes.

This corruption is the most dangerous which threatens the governments and societies. This is because the judiciary is hope of People to gain their rights. If hope is lost, all the joints of life are forged ("Economic Corruption," 2004). This is supported by the published report of the United Nations mission. The report shows the existence of such corruption in Iraq through the contents of its report. Also, the absence of victims from the ongoing trials impedes access to the truth, which negatively affects the creation of appropriate conditions for any international investigations with a number of problems hindering the application of a legal system and framework. (Tardy, 2004). The mission also confirmed that many judges in Iraq often do not necessarily seek to impose severe penalties. They want to address the cases before them, and the circumstances and conditions that led to the commission of the crimes (Tardy, 2004).

The third branch: Economic Corruption:

This type of economic corruption appears internationally to accompany the issue of poverty when principles, morals and justice that govern the system of values of societies are deteriorating. This the tyranny of the ruler is practiced which leads to bribery, commissions, excessive inflation of the economies of corrupt countries and the spread of poverty.

Its presence in Iraq:

The conviction is reinforced by the spread of this type of corruption in Iraq that Transparency International has registered. Based on information received from the Department of Integrity in Iraq, more than 13,000 corruption cases of officials and junior and senior employees in the Iraqi government are reported (2018).

Financial Corruption:

In financial corruption, the public office is exploited in to obtain financial gains. This happens by abusing the administrative corruption (bribery, embezzlement, theft of public money, extortion, commissions etc (Al-Saadi, 2008). Also, variety of methods of perpetrators are used in the growth in the size of their wealth at the expense of personal attention to development programs. They ignore the well - being and satisfaction of their citizens (Mahmoud, 2012).

Its presence in Iraq:

Iraq is one of the countries that suffer from corruption. Therefore, its financial reputation is destroyed internationally and internally. Also the capital of foreign investment escape and thus the country starts to suffer large debts with no sufficient outputs to fill those debts .

The fourth branch - Administrative Corruption

They are those manifestations that violate the financial laws, regulations and regulations that regulate the administrative and financial function in the state and its institutions for personal interests.

Extravagance or waste in the use of public money can take several forms. However, this type of corruption is one of the most dangerous phenomena facing countries, including Iraq. In particular, it leads to the collapse of the construction and economic development process and its destruction to obtain bribes and commissions. This happens even if it is at the expense of the public office and good. The functioning of the country's public facilities, and the depletion of resources and capabilities are not ignored. Thus, the imbalance of the infrastructure on which the development process is based, leads to the undermining of the state's entity.

In Iraq, the report of the Inspector General indicates that there is systematic administrative failure, lack of supervision, fraud practices and embezzlement by Iraqi and American officials who were managing the reconstruction efforts in Iraq. The CPA administration was accused of corruption and misappropriation of resources. Among the resources of the Development Fund for Iraq is about 8.8 One billion dollars delivered to the Iraqi ministries. This is because how this many is spend has not been explained.

At the beginning of the first years of the occupation of Iraq, 57 cases were monitored under investigation, including 15 thefts, 19 cases of bribery and 6 cases of fraud in processing. Thus, billions of dollars were wasted, sabotaging production and service capabilities impeding the reconstruction process.

The Integrity Commission estimates the funds wasted as a result of administrative corruption in the ministries in recent years up to (7.5) billion dollars. It is distributed according to the share of each ministry or department of the waste specified to be the first Ministry of Defense. The amount was (4) billion dollars with an estimated percentage (53.33%) of the total corruption rates (2018). This indicates the size of the stolen money with different corruption means (Watch, 2018).

CONCLUSION:

FIRST - RESULTS:

1. Corruption is illegal gain and all money acquired by a person in contravention of the laws, or using them, for self-interests because of the exploitation of the public office or the service assigned to it .
2. The diversity of the means of corruption in Iraq is ut the result of the use of illegal forms of political influence for decades of authoritarian political rule or of its causes such as wars and internal and external conflicts. This has led to the exacerbation of corruption networks with weak administrative centralization of power.
3. The diversity of the means of corruption in Iraq is considered a fundamental factor for the instability of Iraqi society, widespread unemployment, political and economic instability, terrorism, low levels of prosperity, progress and lack of confidence in the system of governance and law as a result of the decline of the principle of the rule of law.
4. We found that there is a reciprocal relationship between corruption and terrorism in Iraq and that corruption in Iraq was counted according to international reports and resolutions and those issued by the UN Security Council, one of the chapters of terrorist financing in Iraq.

SECOND - SUGGESTIONS:

1. The study recommends the judicial system in Iraq to develop its methods of monitoring corruption crimes, especially in light of exceptional or compelling circumstances. This includes resorting to electronic litigation, video conference system in force in private international law in the evidentiary procedures necessary to adjudicate the case.
2. The legislative authority in Iraq should immediately enact a uniform anti-corruption law and legal texts clear to abolish all legislation and bodies that contradict those texts in letter and spirit. These could include the orders issued by the authority of the coalition. This does not take into account Iraq's ratification of the United Nations Convention against Corruption in 2003 and all international standards in this area.
3. The study recommends legislating a special law to establish a criminal court for corruption crimes that has legal and material independence, free from interference by the authority.
4. It is recommended to address the damages caused to the Iraqi national community as a result of stealing money in Iraq by national legal means, including the use of attribution tools in international law.

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