



## COUNTERING THE CRIMES OF ADMINISTRATIVE CORRUPTION IN THE INTERNATIONAL LAW



 Ghaleb Hawamdeh<sup>1</sup> *Head of Public Law Department, Jerash University, Jordan*



### ABSTRACT

#### Article History

Received: 24 April 2018

Revised: 19 July 2018

Accepted: 27 July 2018

Published: 1 August 2018

#### Keywords

Corruption  
International law  
Employees  
Crimes  
Administrative  
Civil society.

Corruption, as an international legal term, may include various crimes that have special links with each other, which are all called (corruption crimes). In this context, there is not specific crime that can be called corruption crime, but this term includes various ones. Accordingly, the UN convention in counter-corruption has put rules and investigative, judicial procedures for corruption fighting and to inflict punishment thereof. Although UN convention has required the member states to define corruption and the ones responsible for committing them as well to inflict punishment, but they asked the members to consult the legal rules that are included in the convention. The research includes the concept of corruption and means of prevention thereof.

**Contribution/ Originality:** This study contributes in the existing literature uses new estimation methodology Countering the Crimes of Administrative Corruption in the International Law, it is originates new formula and it is one of very few studies which have investigated. The paper contributes the first logical analysis crimes of corruption. The paper's primary contribution is finding that. The study was based on international legal documents.

### 1. INTRODUCTION

Since corruption phenomenon has spread in the states due to the new world order under globalization, it becomes necessary for the countries to cooperate to fight corruption. Consequently, various conferences and international meetings were convened under the framework of UN and regional and mutual relationships which resulted in a number of international agreements that defined the crimes of administrative corruption and means for countering thereof.

The issue in corruption is that despite the issuance of various international and internal agreements and bylaws, still, such crimes are increasing one day after the other, the problem is hidden in the new world order which created this phenomenon (corruption).

Since administrative corruption is a state that moves among the countries due to the role of multi-national companies, which require the existence of specialized entities to follow up such corruption. As a result, the international community has established professional organizations to uncover all kinds of administrative corruption.

However, though such organizations are subject to the law of the countries in which they were established, but the large rule in uncovering administrative corruption is held by the states and public. Accordingly, we will discuss the international efforts in countering administrative corruption through the following aspects:

In 1979 UN have put special rules for the conduct of employees that were called (the code of conduct for the employees who are assigned to enforce laws)<sup>1</sup>. Adherence with those rules is one of the most important means to avoid administrative corruption. The code included:

"the rules defined the meaning of the employee, his duties in preserving human rights and not to spoil quittance, and refraining from using armed force and refrain from torture.

## **2. THE CONCEPT OF CORRUPTION AS STATED IN THE INTERNATIONAL LAW**

### **1- Definition of Corruption**

The International Transparency Organization defined corruption as: using the job to achieve personal benefit (Tahir, 2010). As for the Arab laws, some Arab countries issued laws for counter corruption, such as Palestine and Jordan<sup>2</sup>, which included counter – corruption and punishment thereof. In Egypt, Lebanon, Morocco and Iraq, the law of counter- corruption was not issued but the law of integrity commission was issued. This law is concerned with corruption crimes, and relied on the law of punishments under other titles, such as bribe, stealing and exceeding the limits of the job and harming the public and private monies, as well as receiving monies without MOU and misuse of job and other crimes that are relevant with corruption.

In fact, the Arab countries issued counter- corruption laws which did not define corruption but mentioned cases that are considered corruption. In addition, there are countries that only issued a law title: Integrity Commission, but did not define corruption. All of these countries mentioned corruption cases as tasks of the integrity commission. Therefore, corruption crimes include the following acts<sup>3</sup>:

- a. The crimes that violate the duties of the job which are mentioned in the laws of punishment.
- b. The crimes that violate public trust which are mentioned in the laws of punishment.
- c. The economic crimes, as defined in the law of economic crimes.
- d. Money laundry crimes.
- e. Illegal gains.
- f. Non- disclosure about investments, properties or benefits that result in interest contradiction if the laws and regulations require thereof, and may achieve a personal benefit (whether directly or indirectly) for the one who refrains from disclosure.
- g. Any act, or refrainment that result in affecting the public monies.
- h. Misuse of authority contrary to the rules of law.
- i. Accepting favoritism that cancel a right or give right to an evil act.
- j. All of the acts mentioned in the international agreements that are concerned with counter corruption and the country ratified them.
- k. The crimes committed by army and public security staff, in terms of their professional work if this violates military and civilian laws<sup>4</sup>.

---

<sup>1</sup> Approved based on a resolution by the General Assembly of the United Nations, 34/169 of 17 December 1979. Human Rights: A Compilation of International Instruments, vol. I, United Nations, New York, 1993, Sales No. 94. XIV - Vol. 1, Part 1, p. 436.

<sup>2</sup> Issued by the Palestinian National Authority. Anti - Corruption Law (amended) No. 1 of 2005.

<sup>3</sup> The law was issued in Jordan, The Law of Integrity and Combating Corruption of Jordan No. 13 of 2016. The Anti-Illegal Authority Law No. (21) of 2014, the Law of the Board of Grievances No. 11 of 2008 and the Anti-Corruption Law No. 62 of 2006.

<sup>4</sup> The Law of illegal gains No. (52) of 1975, the Law of tenders and bidding No. (89) of 1988.

Jurisprudence defined corruption as: making use of a position, in order to do thing and provide services for a group of persons, provide to have material revenue in return<sup>5</sup>. It also defined it as: the misuse of the job, and non-applying it in an appropriate method. However, administrative corruption does not rely on a specific job, but on the nature of the person who accept a motive towers corruption, which is usually related with a bribe, which means a return that a person has to complete a work without right<sup>6</sup>. This means a return which a person receives in order to complete a work uprightly, by cheating or deceiving the laws to pass something that achieves an interest for someone, or a group of people on the expense of other people (Majd, 2016).

Corruption is also defined as: misuse of the public power or the public job to achieve personal gains. It is also defined as: the lack of values with individuals making them unable to present self- commitments that serve the public interest (Saher, 2014). It was also defined as illegal use of the public power to make use for personal interests (Senior, 2006; Legvold, 2009). Some specialists state that corruption occurs in specific crimes such as bribe and embezzlement, where corruption in such crimes becomes a rule (Znoj, 2009).

## 2- What is meant by an Employee?

Most of corruption crimes are committed by the employees. This requires showing what is meant by employees:

The blog of UN stated: the employees assigned to enforce the laws at all times, shall perform their duties as instructed by the laws, through serving the community and protecting all persons from illegal acts in such a way that is consistent with the responsibility required by their job.

The UN commented on this article stating:

- a. The term "the employees assigned to enforce laws" includes all employees who are responsible for enforcing the laws and practice police power, especially the powers of arrest or detainment, whether they were appointed or elected;
- b. In the countries were military authorities handle police power, whether they wore official uniform or not, or if they were security forces, the definition of " the employees assigned to enforce laws includes the employees of such department;
- c. Community service includes, in specific, the provision of help for the needy community members due to urgent reasons, whether they were personal, economic, social or of any other kind;
- d. This verdict is not limited to cover all violence, harm and spoilage only, but also includes all of the prohibited acts that are subject to the criminal law, which also includes the conduct of persons who can not bear the criminal responsibility.

This article shows that the employee means any person who is assigned to implement laws. However, in the legal terms, the employee means the members of executive authority starting from the head of the state to the smallest job therein. This includes the military police and security troops. The task of those people is to apply the laws.

---

<sup>5</sup> The Iraqi Integrity Commission Law No. (30) of 2011, the decision of the National Coordinating Committee for Combating Corruption in the decision of the Prime Minister of Egypt No. 2890 for the year 2010. Decision No. (156) for the year 2011 on forming a ministerial committee to combat corruption in Lebanon. Law No. (113, 12) The National Commission for Integrity and the Prevention and Combating of Bribery.

<sup>6</sup> These laws include the amended Iraqi Penal Code (111) of 1969, concerning bribery and embezzlement of public funds, the Penal Code of the Internal Security Forces No. 14 of 2008, the Anti-Money Laundering Law No. 93 of 2004, (65) for the year 1979, and the Law of the State Consultative Council No. (65) for the year 1979, and the Law of the Supreme Audit Bureau No. (6) of the year 199

### 3. REASONS FOR COUNTERING CORRUPTION AS PER THE INTERNATIONAL LAW

#### 1- Preserving Human Rights

Article two of the UN blog states: the employees who are assigned to enforce laws, while implementing their duties shall respect and protect human dignity, and preserve all human rights<sup>7</sup>. UN commented on these duties stating:

- a. The above said human rights are specific and protected by national and international laws. Among the international relevant documents are: the Universal Declaration of Human Rights, the International Convention of civic and political rights, the Declaration of protecting all persons from torture and other kinds of treatment or the severe treatment or the inhuman or the insulting treatment; the Un Declaration to eliminate all kinds of discrimination; the international agreement to eliminate all kinds of discrimination and the international treaty to prevent the crime of discrimination discharge and punishment thereof, the agreement to prevent genocide and punishment thereof, and the typical minimum rules for treating prisoners, and Viena treaty for consulate relationships.
- b. The ethical or social standards that describe human behavior which is generally understood as basic rights which should not be affected; they are deserved and original for anyone since they are or as he is a human being, regardless of his identity or place of living, language, religion, ethnicity or any other state. These rights should be protected as legal rights within the framework of local and international laws. All of them should be applied everywhere and time and should be equal to all peoples, while requiring law sovereignty and require man to respect the others' human rights. These rights should not be pulled out except due to legal required procedures that insure rights in accordance with specific conditions (Alston, 2005; Ball and Gready, 2006).

In this context, the rules of human rights that are applied upon implementing the laws are varied and wide. Among the most important human rights are the right for live, protection from torture and arrest except by a judicial order issued by a competent authority. In this regard, insuring the political rights such as the right for nomination, election, the civil rights such as the freedom of expression and beliefs, transport and marriage and other human rights that are insured by the public international agreements<sup>8</sup>, declarations and conventions<sup>9</sup> as well as the regional ones such as the European<sup>10</sup>, African and Arab<sup>11</sup> agreements relating to human rights.

---

<sup>7</sup>Article 2 of the United Nations Code of Conduct for Staff.

<sup>8</sup> the international conventions relating to the protection of human rights:

International Covenant on Civil and Political Rights (ICCPR) International Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPCA) International Covenant on Economic, Social and Cultural Rights (ICESCR) Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees CRC Convention Against Torture International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) Convention on the Prevention and Punishment of the Crime of Genocide Convention on the Rights of Persons with Disabilities (CRPD) Forced. Convention on Indigenous and Tribal Peoples, 1989 (ILO 169)

<sup>9</sup> Among the human rights declarations: Declaration on the Rights of the Child 1923. Universal Declaration of Human Rights (United Nations, 1948). American Declaration on Human Rights and Duties (OAS, 1948). Declaration on the Rights of Persons with Disabilities (United Nations, 1975). Declaration on the Right to Development (United Nations, 1986). Cairo Declaration on Human Rights in Islam (Organization of Islamic Cooperation, 1990). Vienna Declaration and Program of Action (International Conference on Human Rights, 1993). (United Nations, 2007) United Nations Declaration on the Rights of Indigenous Peoples (United Nations, 2007) United Nations Declaration on Sexual Orientation and Gender Identity (United Nations, 2008)

<sup>10</sup> Among the European agreements. European Convention on the Protection of Human Rights European Convention on the Protection of Human Rights European Convention on the Protection of Human Rights (ECHR) European Convention on the Prevention of Torture and

## 2- Preserving Information of Confidentiality

Corruption mostly results in leaking of important information owned by the state and transmitting them to other entities. The UN blog required that the employee should preserve confidentiality of information he has, when it stated:

Article 4: the employees assigned to enforce laws shall preserve the secrecy of confidential information unless otherwise required by justice<sup>12</sup>.

Commenting on this article UN stated that when employees who are assigned to enforce laws- due to their duties- access information related to the private life of individuals, or can harm the others' interests and their reputation in particular, they should preserve such information and their use, and they may not uncover or disclose these information except based on their duties or to serve justice. Any disclosure of such information for other purposes is entirely illegal.

This article and the comments thereof did not specify such information, are they related to the criminal or victim. It seems they include all cases, where the administrative employees or the individual assigned to keep security shall preserve the information he has whether relevant to the criminal or victim. However, the text did not specify the verdict if the employee did not keep the information he has and leaked them out? In fact, he will be subject to punishments by his country, where procedures are taken against him as stipulated by laws. We think this text is undeniable and thus there is no need to be stated in the UN blog.

## 3- Employees' Commitment to Respect Laws

Corruption is a crime that infringes law. Accordingly, the blog required the employees to comply with the text: the employees assigned to enforce laws shall respect law and this blog. In addition, they shall- where possible- prevent the occurrence of any violations and shall counter them strictly. Moreover, that employees who have conviction that make them believe or doubt about the violation of this blog, shall inform their higher authorities thereof, and when necessary, to inform other authorities and concerned bodies that enjoy the power or judicial authority oppression<sup>13</sup>.

UN commented on this text as follows:

- a. This blog should become enforce once included in the legislation or the national practice. If the regulations or practices included rules more strict than the ones stated in this blog, the more strict rules should apply.
- b. This article intends to preserve balance between the need for internal control of the commission on which public safety relies, and the need to hand the violations of human rights, from the other perspective.

The employees who are assigned to enforce laws shall notify about the violations that come within the framework of leadership hierarchy and not take any legal actions outside the scope of leadership hierarchy, except in the case where there are no other available or efficient ways. It is well-known that it is not admissible to expose those employees for any administrative or non-administrative punishments due to notifying about violations for this blog or about the occurrence of such violation.

- c. The term "the authorities or appropriate bodies that have the power to review or eliminate oppression means: " any existing authority or a body working in accordance with the national laws, whether it is within the law enforcement commission or works independently. It has a power taken from the law or

---

Inhuman or Degrading Treatment or Punishment (CPT) European Social Charter (ESC) Revised Framework Convention on Human Immunodeficiency Virus National Minorities (FCNM)

<sup>11</sup> Arab Human Rights Convention, 2004.

<sup>12</sup> Article 4 of the United Nations Code of Conduct for Staff.

<sup>13</sup> Article 8 of the United Nations Code of Conduct for Staff.

regulations or from any other source to view oppression and complaints resulting from violations that come within the scope of the rules of this Code of Conduct.

From a practical perspective, it is difficult to apply this article; it will be impossible for the employee who is in charge to implement laws is the one who violates or opposes the rules of conduct, to notify about himself. A surveillance body should be established in case the employee violates this code of conduct.

#### 4- Refraining from Quittance Corruption

Corruption results in spoiling the quittance of the employee and those who deal with him. Accordingly, the UN blog that deal with the conduct of employees required that employees should not commit any work or act that may spoil the quittance. It stated: the employees who are assigned to enforce laws shall refrain from committing an act that may result to spoiling the quittance. In addition, they have to counter and fight all such acts strictly<sup>14</sup>. The blog commented on this article as follows:

- a. Any act that may spoil quittance such as misuse of power, which is not consistent with the job of the employees who are assigned to enforce laws. The law shall be fully implemented in terms of any employee who is assigned to enforce law and commits an act the way spoil quittance, as the governments do not expect to enforce laws on their citizens if they could not or do not intend to enforce law on their employees and within their department;
- b. Since the definition of quittance spoilage shall be subject to the national laws, it should be well-known that it includes committing or neglecting an act while the employee implements his duties, or upon intending to do such duties, but responses to gifts, promises or motives whether he accepted or asked for, or if he received any of those things by any illegal mean once he committed or neglected such act/s.
- c. The phrase "an act that may spoil quittance" as stated above, includes an attempt to spoil quittance.

However, the blog did not define the meaning of quittance spoilage. It left that to the internal laws, but it was necessary to define the cases of quittance spoilage. Some decided accepting gifts or incentives whether demanded or accepted, or upon receiving such things illegally. It is supposed to include all kinds of corruption crimes such as favoritism tribal, discrimination and other crimes.

## 4. THE INTERNATIONAL EFFORTS IN COUNTERING ADMINISTRATIVE CORRUPTION

### 1-The International Agreements to Counter Corruption

On the international level, various international agreements to counter- corruption were convened, and many international organizations and civil society bodies were established to counter corruption in general and the administrative corruption in particular. Among such organizations are:

- a- The Arab agreement for counter corruption 2010<sup>15</sup>. This agreement was ratified by all Arab states.
- b- The declaration of counter corruption in south east Europe;
- c- UN agreement for counter corruption, 2003.
- d- The additional protocol of the criminal law agreement, regarding corruption, 2003.
- e- The agreement of the European Council on money laundry, investigation, and confiscation of monies resulting from crimes and terrorism funding, 2008.
- f- The agreement of the African Union to prevent and counter corruption.
- g- The agreement of establishing the group of anti-corruption states.
- h- The agreement of the criminal law for counter – corruption, 1999.

---

<sup>14</sup> Article 7 of the United Nations Code of Conduct for Staff.

<sup>15</sup>The Council of Arab Ministers of Interior and Justice approved their joint meetings held at the headquarters of the General Secretariat of the League of Arab States in Cairo on 21/12/2010.

- i- Durban Adherence with the active movement against corruption, 1999;
- j- The recommendations of west Balkan regarding the statement of public employees about their monies and interest, 2013;
- k- The model of Commonwealth states for the law of banning money laundry and the supporting document, 1996;
- l- A complete conclusion of the legal International tools against corruption, 2013.

## **2-Civil Society Organizations that Fight Corruption**

A number of countries established civil society organization for counter-corruption. Among these establishments are:

- a. The international academy for counter- corruption, in its capacity as an international organization, 2010 (IAC).
- b. The Arab counter-corruption organization<sup>16</sup>
- c. The international transparency, 1993<sup>17</sup>;
- d. The American states organization for counter- corruption, 2002<sup>18</sup>
- e. The international league for counter- corruption, IAACA, 2006<sup>19</sup>
- f. The international organization for parliamentarians against corruption, GOPAC, 2002<sup>20</sup>.

All these organizations covers all kinds of corruption including the administrative in various countries and they play a significant role in uncovering corruption through media. Although they do not have the capacity to make investigation and search for corruption, but they indicate to the cases that may include corruption that guides the countries and know the corrupt people in various countries.

Furthermore, the punishment of those who commit administrative corruption crimes is subject to the laws of the countries, especially knowing that they adhere with the international laws such as applying procedures that require them to sue and punish those who commit administrative corruption crimes. Non-application thereof is considered a violation for the UN Convention regarding countering the administrative corruption 2003.

## **3-Establishing Specialized Authorities for Countering Administrative Corruption**

Since administrative corruption has become universal phenomenon, the investigative and judicial authorities are not capable anymore to cope and limit corruption. Accordingly, there should be organizations specialized in countering administrative corruption.

The UN Convention for countering administrative corruption, 2003 required the states to establish organizations that are specialized in countering administrative corruption. As a result, it required that each member

---

<sup>16</sup> An independent non-profit organization. It was established in 2005 and registered in the United Kingdom and Beirut-Lebanon as its headquarters. The Lebanese Government issued Decree No. 15579 of 13 June 2005 granting the Organization all the privileges and immunities necessary for the exercise of its functions, similar to the international and regional organizations operating within the framework of the United Nations. FAO website: <http://arabiccorruption.org/>

<sup>17</sup> Transparency International is a global civil society organization that leads the fight against corruption. People gathered together in a powerful global gathering to work to end the devastating impact of corruption on men, women and children around the world. The task of international transparency is to create a change towards a world without corruption. <http://www.transparency-usa.org>

<sup>18</sup> In 1996, the Inter-American Convention Against Corruption (MESIC) was established, and in 2002 the American Anti-Corruption Organization was established.

<sup>19</sup> The International Association of Anti-Corruption Authorities was formed at <http://www.iaaca.org/>

<sup>20</sup> In 2002, a global conference was held in Ottawa attended by 170 parliamentarians and was established: Global Organization of Parliamentarian Against Corruption.

state, as per the main principles of the law, shall take the necessary precautions to insure the existence of a specialized body or bodies or people who are specialized in countering corruption through law enforcement. This body/bodies/ individual tasks efficiently s will be independent, as per the main principles of the legal procedure of the state, so as to be able to perform their without any unjustified influences. Moreover, those individuals/ bodies should receive any necessary training and financial resources to perform their jobs<sup>21</sup>. Consequently, counter-corruption establishes administrative corruption entities were established to fight corruption in general, including countering administrative corruption in various Arab countries.

#### **4- Types of Administrative Crimes as Per the International Law**

States are free in defining the crimes of administrative corruption in accordance with their laws. However, the Convention of countering administrative corruption convened in 2003, focused on some crimes of administrative corruption due to their importance. Therefore, we will discuss such crimes briefly:

##### **1-Crimes of Bribery**

Bribery means giving money, goods and other forms of money to an employee in return for changing his behavior for the benefit of the briber on the expense of the public interest (Bribery, 2001). Bribery takes various forms such as cash money, travel tickets, free meals, free ads, free trips, a profitable contract, donations, supporting fundraising campaigns, a job with higher salary, a confidential job. In addition, bribery might be on the form of a secret financial percentage (Markus, 2011).

Within this context, bribery is defined as: the public employee's trading with the duties of his job, in order to gain special interests and benefits that are represented in illegal gains on the expense of the public interest. It is a relation of taking and giving established with agreement between the public employee and the concerned party to give the employee a bribe; even it took the form of a promise to have such bribe, in return to performing some tasks or refraining to do some jobs. Bribery might be through an agent who mediates between the bribe and the birder (Al-Shathlym, 2010).

For the purpose of bribery, the concept of the public employee is any governmental employee who work in the administrative or judicial departments, and any officer of the civil or military authorities or any member of them as well as any worker/ employee in the state or a public department or in a private entity<sup>22</sup>.

##### **2- Bribery of the Public National Employee**

- a. Each state takes legislative and other precautions to counter bribery crimes which include:
- b. Promising a public employee for an desirable advantage or offering or giving it to him, whether directly or indirectly, whether for the benefit of the employee himself or for another person or entity, where that employee commits or refrains from doing an act due to his official duties.
- c. When the public employee asks for or demands, whether directly or indirectly, to have undesirable advantage, whether for the benefit of the employee himself or for another person/ entity, where that employee commits or refrains from doing an act due to his official duties<sup>23</sup>.

##### **3- Bribing Foreign Public Employees and the Employees of the International Organizations**

- a. Each state issues laws and other precautions to criminalize intended promise given to a foreigner public employee or an employee of a public international organization to have undesirable advantage, or offering or

---

<sup>21</sup> Article 36 of the United Nations Convention against Corruption.

<sup>22</sup> Article (169) Jordanian Penal Code.

<sup>23</sup> Article (15) . United Nations Convention against Corruption.

giving it to him, whether directly or indirectly, whether for the benefit of the employee himself or for another person or entity, so that such employee will do or refrain from doing an action during his official duties, in order to have a commercial benefit or any other undesirable advantage or keep it while implementing international trade. In this case, the briber is the convicted party.

- b. Each state issues laws and other precautions to criminalize the employee of a public foreign international organization to have undesirable advantage, or offering or giving it to him, whether directly or indirectly, upon asking or accepting undesirable advantage whether for the benefit of the employee himself or for another person or entity, so that such employee will do or refrain from doing an action during his official duties<sup>24</sup>, in order to have a commercial benefit or any other undesirable advantage or keep it while implementing international trade. In this case, the bribe is the convicted party.

In order to confirm the punishment against the one who commits bribery crime, The International Organization of Cooperation and Development conducted the agreement for counter-bribery against the foreign public employees in the international trading transactions, in 2010. The agreement required each member state to take the legal precautions to decide the responsibility of the individuals for bribing foreign public employees<sup>25</sup>, and to punish the foreign public employee with active criminal punishment that are consistent and deterring. Moreover, each state shall take all cautions to decide its judicial responsibility for bribery crimes in case thus crime is committed within its region<sup>26</sup>.

However, we would indicate to an important issue in this regard, namely: the intended by the phrase the foreign public employees mean the employees of the embassies and international organizations. They enjoy judicial criminal immunity as per Vienna treaty for Diplomatic relationships (1960), and the agreements of establishing international organizations<sup>27</sup>. Those employees enjoy judicial immunity in accordance with the agreements convened with their countries. All of them are foreigner public employees (Al-Fatlawi and Suhail, 2010).

In this regard, if those employees enjoy judicial immunity as per the international laws, then how to sue them due to committing bribery crimes?

To answer this question, we would refer to Vienna Treaty for Diplomatic Relationships (1961), which provided the diplomatic delegate with judicial immunity (article 30). In addition, we would refer to the agreement of international organizations that gave penal immunity to the diplomatic employees. Such agreements, after giving the employees the judicial immunity, have excluded the foreign public employee who works for a diplomatic mission or an international organization from the penal immunity if he practices a free job or trades for his private interest. Accordingly, article (2) of the Convention of seeing foreign public employees in the international trading transactions, convened by the International Cooperation and Development Organization (2010) has defined bribery crime in case the foreign public employee practices trading. and committed bribery corm In this case bribery is linked with the practice of the foreign public employee business for his interest.

However, if the international employee practices his official work in the diplomatic mission or the international organization, and accepted a bribery which has no relationship with his business, then such employee does enjoy

---

<sup>24</sup> Article (16) United Nations Convention against Corruption.

<sup>25</sup> Article (2) Convention against the Bribery of Foreign Public Officials in International Commercial Transactions by the Organization for International Cooperation and Development.

<sup>26</sup> Article (4) Convention against the Bribery of Foreign Public Officials in International Commercial Transactions by the Organization for International Cooperation and Development.

<sup>27</sup> Articles 5 and 6 . Convention on the Privileges and Immunities of the Specialized Agencies signed in 1947, Articles 11 and 20 of the Convention on Immunities of the League of Arab States 1953, Article 11 and 19 of the Convention on Immunities of the Council of Arab Unity 1965, Article 12 and 18 Convention on Privileges and Immunities of the International Atomic Energy Agency, 1960.

judicial immunity and it is not admissible to sue him for committing bribery crime relevant to his official work. In such cases, he would only be subject to the courts of his country.

There is another problem in seeing the foreign public employees who commit bribery crime in the commercial work; they are- if it is admissible to sue them by the courts of the state where the crime was committed- the implementation of the punishment against him/them depends on the consent of his country. This means that the submission of the foreign public employee means his country waives his judicial immunity as per the above said agreement. However, if the foreign public employee is referred to the courts of the country in which he works, whether due to committing bribery in the commercial transactions or because of another crime, then it requires the approval of his country in a separate way than implementing the verdict against him. In this regard, the verdict will not be implemented enforced unless his country waives his judicial immunity as per article (4) of article (31) of Vienna's Treaty for Diplomatic Relations (1961). However, if a verdict is issued against a foreign public employee due to committing bribery relevant to a trade practiced in the country where he works, then this requires his country's waiver from implementing such punishment. This means breaking down the trial of the foreign public employee.

#### **4- Embezzlement, Dispersal and Leakage of Properties**

Embezzlement is defined as: having monies or documents for a right owned by other with the consent of the owner<sup>28</sup>. Or, stealing money or papers or material value. However, embezzlement does not differ from the crime of robbery, but embezzlement of money under the ownership of an in trusted person. In addition, embezzlement is similar to the crime of dishonesty, but committed by an employee, or someone who is assigned to do a service, which used his position and dominated money for his interest. Therefore, embezzlement crime is assured in the public and private monies (Hamad, 2013).

Property exchange means putting similar items of the properties but with less value and differs in terms of quality. For instance, when a person changes gold with another metal, or when taking good stationary or office equipment or furniture or electrical devices and replacing them with bad quality items.

As for property leakage, it means transporting properties to another location, such as selling them in a specific area for a specific price. In this context, the person takes them from a place to another where they are sold for a higher price and he makes use of the difference for his own interest.

Accordingly, embezzlement requires that the criminal commits a material act that enable him have or gain money. In addition, embezzlement is based on a material and moral aspects. The material one is achieved when the criminal fully dominates the thing which is owned by another person, whether the owner has had that thing or ownership took place by combination.

As for the moral aspect, it means the intention of owner ship and this requires that the criminal dominates the thing and uses it due to the powers given by law for the owner, and thus he replaces him in domination and seems as if he is the real owner, in order to make the real owner lose money, provided that the criminal knows that such money is not his property. Therefore, the crime of embezzlement is not established by the material act only unless linked with the criminal's intention to own the embezzled money and this includes the crimes committed by the employee or of similar position, to embezzle the monies under his custody or which he dominates on or due to them and makes use thereof, regardless whether such monies are owned by the state or entities or organizations in which the state contributes. The laws of countries punish committing the embezzlement crimes<sup>29</sup>.

---

<sup>28</sup>Grew, Edward. The Theft Acts 1968 and 1978. Sweet and Maxwell. Fifth Edition. 1986. Paragraph 2-01 at p. 12.

<sup>29</sup> The crime of embezzlement in the Iraqi Law, The Libyan consultant website, 15/5/2014, <http://www.startmies.com>

Article 174 of the Jordanian Penal Code and Article 315 of the Iraqi Penal Code are repealed.

There are some people who consider embezzlement crimes include the following aspects: casuistry, properties and transfer of properties from one person to another and finally the person who has the monies in a legal way<sup>30</sup>.

On the level of international law, the states should issue laws and regulations to criminalize the public employee when he – intentionally- whether for himself or for the benefit of another person or entity, embezzles or distorts any properties, monies or financial papers (public or private) or any other valuable things he was in charge for due to his position, or leaked in a way or another<sup>31</sup>. However, embezzlement is considered one of the crimes that are spread on the level of countries, and mostly large companies are subject or exposed to such kind of crimes due to their reliance on people from other nationalities.

### 5- Trading in Power

Trading in power (due to position) is defined as making use of the power, where a person attempts to achieve benefits or objectives that not within the scope of his job. Trading in power was also defined as an attempt to have/ obtain or trying to provide an owner of an interest with a benefit from public authorities, where it is supposed that he should refrain to do within the scope of his career (Abdul and Salah, 1975).

It is defined as: an illegal practice represented in using the power of someone inside (or who works for a government) or making communications with persons from within the authority to provide privileges or preferential treatment for another person, in return for money (Hornick *et al.*, 2008). In this context, the crime of trading in the power means making use of a public employee in order to achieve illegal wealth, such as accepting combination and working based on tribal, religious or ethnic spirit, in order to recruit or complete transactions or taking money in return for implementing his work or in case of violating the laws that organize his work.

On an international level, the countries shall use all necessary legal regulations and precautions to criminalize the following acts:

- A- Promising any public employee or any other person with undesirable advantage or offering to give it to him, either directly or indirectly, to incite that public employee or person to use his actual or presumed power in order to have and undesirable advantage from a department or a public authority under the supervision of the state, for the benefit or the real inciter to commit such act, or for the benefit of another person.
- B- When any public employee or any other person attempts to have or accept any advantage (which he is not entitled) for himself or for another person, so as to use that employee or person to practice his actual or assumed power in order to have and undesirable advantage from a department or a public authority under the supervision of the state, for the benefit or the real inciter to commit such act, or for the benefit of another person<sup>32</sup>.

Making use of the power is based on the criminal's trading in his real or assumed power, by taking or accepting his request in return for something or a benefit from interested person, in return for having or attempting to have a specific advantage from the public authority for the benefit of the latter, through using such power. Accordingly, the required interest should be within his career specialty and he influences another employee to perform the required interest. In the last case, it is not necessarily that the user of power shall be an employee, but might be an ordinary person who has a power on some of the public employees such as a relative or a friend or any other kind of relationship, where he uses the power of that person to achieve a benefit for a third person, such as completing a transaction or disabling it, through influence on the public employee to achieve the task that violates law (Huda, 2817).

---

<sup>30</sup> Singer and Lafond (2007), Criminal Law, 4th ed. p. 261

<sup>31</sup> Article (17) United Nations Convention against Corruption

<sup>32</sup> Article 18 of the United Nations Convention against Corruption.

In case of misusing the jobs, the states should apply any necessary legal procedures to criminalize the public employee's misuse of his job or position (intentionally), which means doing or not doing an act while performing his duties, to obtain an advantage for which he is not entitled, either for himself or for another person or entity, which creates a violation for the laws. The laws of states stipulate to punish the crime of making use of the power<sup>33</sup>.

Among the forms of making use is the illegal wealth which requires each country to take all necessary actions and precautions to criminalize the public employee's intention to achieve illegal wealth. This means increasing his assets largely in such a way that can't be justified compared to his legal income<sup>34</sup>.

## 6- Bribery and Embezzlement in the Private Sector

Bribery is not limited to the public sector, but it includes the private sector, too. In this case, it differs from the public sector, since, in the public sector it includes a public right where the briber and bribed are punished.

As for the bribery in the private sector, the owner of an organization or company has the right to submit a lawsuit. If the owner of the organization or company accepts bribes among the employees, then he would have harmed his organization.

As for the international law, the private sector works based on ethics similar to the public one. Consequently, each country shall issue all law and regulations to criminalize the following acts when committed intentionally while practicing economic, financial or commercial activities:

- a. Promising a private sector employee who manages a private sector entity, or works thereof by any capacity, to have an undesirable advantage or offering or giving it to him, whether directly or indirectly, and whether for the benefit of the employee himself or for another person, where that employee commits or refrains from doing an act due to his official duties, which creates a violation in his duties;
- b. When an employee who manages a private sector entity, or works thereof by any capacity, whether directly or indirectly, asks to have or accepts undesirable advantage, whether for his interest or for another person, in return for doing an act, which represent a violation of his duties (Sufian and Ben, 2014).

Furthermore, embezzlement of properties in the private sector require each country to take all necessary action and regulations that criminalize a person – who intentionally- manages an entity of the private sector, or works thereof by any capacity, while practicing an economic, financial or commercial activity, and commits an embezzlement of any properties, monies or private financial papers, or any other valuable things due to his position (Ahmed, 1997).

## 7. Money Laundry

Money laundry crime (money whitening) aims it given legal legitimacy for prohibited monies, in order to own thereof or act, manage, keep, replace, exchange, deposit, invest, transfer, transport or manipulate in their value if collected from crimes such as planting, bringing, exporting, trading and manufacturing in drug plants, jewels, kidnapping of transportation means, arresting people, terrorism crimes and funding thereof, embezzlement, dishonesty, cheating, prostitution, trading and smuggling of ruins and antiquities, crimes and misdemeanors that violate the security of the state from outside and within, bribery, stealing of public monies, betraying and the crimes of coins, falsifying and forgery. Money laundry crime is an economic one that is spread all over the world<sup>35</sup>.

---

<sup>33</sup> Article (432/11) of the French Penal Code and Article 6 of the Egyptian Penal Code, Article 32 of the Algerian Penal Code, Article 370 of the Syrian Penal Code, Article 140 of the Lebanese Penal Code, Article 250, Of the Moroccan Penal Code, article 202 of the Bahraini Penal Code, article 233 of the Iraqi Penal Code and article 181/4 of the Jordanian Penal Code.

<sup>34</sup> Article 20 of the United Nations Convention against Corruption.

<sup>35</sup> National Money Laundering Threat Assessment" (PDF). December 2005. p. 33.

In this context, most money laundry crimes are international. Accordingly, the international law required all countries to issue laws and take all actions and precaution to prevent and punish the following acts:

- a. Replacing or referring the properties, provided that they are criminal revenues, in order to hide or camouflaging the source of the illegal properties or helping any lost/ missing person in committing the original crime to escape from legal interrogation due to his crime.
- b. Hiding or camouflaging the real nature of the properties, their source, and location or how to act with them or their movement or ownership, or the rights relating to it, provided that such properties are revenues of crimes.
- c. Owning or using monies, while knowing- upon receiving them- that they are criminal revenues.
- d. Participating in committing any criminal act relating to money laundry, or cooperation or conspiracy to commit, and start committing, helping, and encouraging, facilitating and providing consultation thereof.
- e. The original committed crimes are subject to the judicial domination of each country where the crime took place or outside it. However, the crimes committed outside the judicial control of the state do not represent original crimes unless of the relevant behavior is considered a criminal act as deemed by the internal law of the country in which the crime was committed, it could be considered a criminal one as per the internal laws of the country that implement or apply this article as if committed in that country.
- f. Each country adheres to provide the Secretary General of the UN with copies of its law that enforce this article and copies of any latter changes that may be introduced on those laws or any description thereof.
- g. It is admissible to state the money laundry crimes do not apply on the persons who committed the original crime, if the main principles of the internal law of the state require thereof<sup>36</sup>.

In general, money laundry is used in terrorism crimes, through transferring money to the terrorists in many countries (Roth, 2004).

## 8. The Competent Court to View Administrative Corruption

The UN agreement for countering administrative corruption convened in 2003 required the states to establish entities that are specialized in countering administrative corruption:

- 1- Establishing specialized bodies for countering administrative corruption in light of the fact that administrative corruption has become a universal phenomenon. Accordingly, investigative and judiciary bodies are not any more able to cope with the spread of corruption and decrease it. Consequently, there should be specialized entities for countering administrative corruption.

UN convention for countering administrative corruption (2003) required the states establish specialized bodies to fight administrative corruption, and required each member state, in accordance with the main principle of its bylaws, taking any precautions and guarantees to insure the existence of entity or entities or persons who are specialized in counter corruption through law enforcement. Such entities or persons are given the necessary independence as per the main principles of the legal procedures of the state, so as to enable them perform their job efficiently without any unjustified influence. Those persons or bodies should be provided with any necessary training and financial resources to perform their duties<sup>37</sup>.

As a result, Arab countries have established many entities to counter corruption in general in general, including countering administrative corruption. Among these entities is Counter Corruption Commission, which is usually linked with the supreme bodies in the state. In addition, there are the committees of counter corruption in the parliament which investigate in the crimes of administrative corruption, while calling senior officials who are

---

<sup>36</sup> Article 23 of the United Nations Convention against Terrorism.

<sup>37</sup> Article 36 of the United Nations Convention against Corruption.

concerned with corruption before the parliament. Moreover, many countries established committees to fight corruption inside official departments or who is sometimes called the special consultant for counter- corruption.

## 2- Cooperation among States to Counter Administrative Corruption

The state complies among each other to take the following actions:

- a. Provision of useful information to the concerned authorities for the purposes of investigation and evidence, and to provide actual specific assistance for the concerned authorities which can help in depriving criminals from the revenues of the crime and retrieve such revenues.
- b. To allow- in appropriate cases- the possibility to decrease the punishment of the convicted who provides good help in the investigation processes or following up regarding the criminal acts according to the agreement.
- c. Given immunity from judicial follow up, as per the basic principles of the internal laws, for any person who provides good help in the investigation processes or following up regarding the criminal acts according to the agreement.
- d. Protecting the persons who manage counter corruption entities, taking specific conditions into account.
- e. The states may convene treaties among themselves, to facilitate applying special laws for counter-corruption.
- f. Cooperation among the national authorities.
- g. Each country, according to its internal laws, takes any necessary actions to encourage cooperation among its public authorities and employees, from one side, and its authorities that are in charge for investigation in criminal acts and following the criminal, from the other. This cooperation may include:
  - A- Notify the authorities, once there are good reasons to believe that any administrative crime has been committed, through providing all necessary information to the authorities, based on their request<sup>38</sup>.
  - B- Cooperation among the national and private sector bodies: each state, as per its internal laws, shall take any necessary action to encourage cooperation between the concerned national authorities to make investigation and follow up, with the private sector entities, especially the financial ones, in terms of the matters relating to committing criminal acts. Each state shall encourage its citizens and other persons who reside on its lands, to notify the national authorities that are concerned, to make investigation and follow up for committing a criminal act, as per this agreement<sup>39</sup>.

## 9. The Jurisdiction Authority in Administrative Corruption Crimes

The jurisdiction authority means the courts that are competent to view administrative corruption crimes. The UN Convention for countering administrative corruption has organized the jurisdiction authority in the administrative crimes as follows:

- a. Each member state shall take any necessary actions to deal with criminal acts as per the agreement in the following two cases:
  - b. First:** when the crime is committed in the region of that state.
  - c. Second:** when the crime is committed on a ship that raise the flag of that state, or on board of a plain that is registered in accordance with the laws of that state on the time of committing the crime.
- d. The state may make any similar crime under its judicial control under the following cases:

---

<sup>39</sup> Article 38 of the United Nations Convention against Corruption.

- When the crime is committed against one the citizens of this state; or
  - When the crime is committed by one of the citizens of that state or by a person who has no nationality but his place of residence is in its regions; or
  - When the crime is considered one of the administrative corruption crimes.
- When the crime is committed against the state.
- e. Each member state shall take any necessary actions to deal with criminal acts to make administrative corruption acts under its judicial control, when the criminal resides in its regions but does not hand him over since he is one of its citizens<sup>40</sup>.
- f. Each member state shall take any necessary actions to deal with criminal acts to make administrative corruption acts under its judicial control, when the criminal resides in its regions but does not hand him over.
- g. If the state that practices its judicial control, or knew by other ways, that any other country is making an investigation or follow up or is taking judicial action against the same conduct, then the concerned authorities in such countries shall consult among each other, as required, to coordinate their actions.
- h. Notwithstanding of the rules of the general international law, the practice of any criminal control does not prevent any criminal control which confirms that the state party is proceeding in based on its internal laws<sup>41</sup>.
- i. Punishments against the persons who commit administrative corruption crimes are imposed according to the special laws of the state. This means that the punishment of administrative corruption crimes differ from one state to another.

Despite the fact the administrative corruption is spread all over the world, where the international community has organized countering thereof in accordance with the international agreements, but up-to-dae no international court was established to sue the criminals who commit administrative corruption crimes. Such courts in each state sue the one who commit these crimes. In case an administrative corruption crime took place, then it can be settled by the international judicial competency in accordance with the mutual agreements between countries or the multi-party agreements, or based on the international procedures.

## 10. The International Jurisdiction

Although the administrative corruption is spread all over the world, and that the international community has organized countering thereof in accordance with the international agreements, but up-to-die no international court was established to sue the criminals who commit administrative corruption crimes. Such courts in each state sue the one who commit these crimes. In case an administrative corruption crime took place, then it can be settled by the international judicial competency in accordance with the mutual agreements between countries or the multi-party agreements, or based on the international procedures.

## 11. Punishments in Administrative Corruption Crime According to the International Law

Administrative corruption crimes require imposing follow up and penal punishments.

### A- The Follow up Punishments

The follow up punishment is defined as the one which is only decided with the original punishment; it could not be applied when there is not original punishment. It is characterized that it accompanies the original punishment based on the text of the law, without a need to mention it when the judge issues his verdict such as deprivation from

---

<sup>40</sup> Article 39 of the United Nations Convention against Corruption.

<sup>41</sup> Article 42 of the United Nations Convention against Corruption.

the rights and advantage (e.g. membership of the parliament, ranks and medals against who are convicted with crimes). As for the complementary punishment, it is the one that is consistent with the follow up punishment and follows or is based on an original punishment, but differs in terms of not compatible with text of law but should be applied through clear mentioning by the judge. The complementary punishment is divided into two types:

First: obligator where the judge should state it, otherwise his verdict will be void and may be appealed (e.g. dismissing an employee from his job upon judging for jail, with lenity in some crimes such as bribery and fraud, within official minutes.

In this regard, the convention of countering administrative corruption (2003) called follow up and complementary punishments as (corruption consequences). This convention stated: while considering the gains of the three parties in terms of rights with good faith, each state shall – as per the main principles of its internal law – take action that handle corruption consequence. In this context, the states may consider corruption an important factor while taking legal procedures to cancel or terminate a contract or withdraw a concession or other similar documents, or upon taking any other fair action<sup>42</sup>.

### **B- Compensation for the Damage**

Damage is defined as: the harm which affects the person due to causing damage on a legal interest or one of his rights. Damage might be material or moral. Jurisprudence adds that damage or harm is the one which affect man in his body, money, honor or emotions. Anyone who suffered of damage has the right to demand for just compensation (Bishop, 2006).

As per the UN convention for countering administrative corruption, each state shall take the necessary precautions, as per the principle of its internal bylaws, in order to insure the rights of the entities or individuals who suffered damage due to a corruption act, in raise or submit a judicial lawsuit against the one who are responsible for such damage, in order the have compensation<sup>43</sup>.

### **C- Punishments that Deprive Freedom**

The punishments that deprive freedom men as the punishments that include imprisonment. The UN convention for counter administrative corruption (2003) did not specify the punishments imposed on the ones who commit administrative corruption crimes. Such laws were left to the laws of the countries, where punishments that deprive freedom vary. In some countries like China, these punishments my reach to execution, whereas some countries considered such crimes as a felony, while other countries considered them as misdemeanor, according to the nature of the corruption committed.

Most often, there are not specific laws to punish administrative corruption, but the concerned countries refer to the special texts of the penal code relating to embezzlement, fraud and making use of power as well as other corruption crimes.

In most countries there is a counter corruption law which is relevant to the administrative corruption and represents special procedures in terms of investigation and referral to court. There is another law which is the public law that includes punishments of the crimes that are considered corruption crimes.

## **5. CONCLUSION**

As for the public law, in most countries, it does not include the term corruption crimes, but it defines the law of counter corruption or the law of integrity commission defines such crimes. Moreover, the ordinary courts – in most

---

<sup>42</sup> Article 34 of the United Nations Convention against Corruption

<sup>43</sup> Article 34 of the United Nations Convention against Corruption

countries- are the ones which view the crimes of administrative crimes whereas some countries have established special courts to deal with the ones who commit such crimes.

Therefore, we believe that establishing special law and courts for counter corruption is better due to the specific procedures that are taken against the criminals of corruption.

Despite conducting many international treaties and the issuance of national laws and establishing counter – corruption entities, as well as the activities of civil society organizations in terms of transparency, still, these procedures did not result in eliminating corruption. Therefore, we would say that eliminating corruption require changing the international order which is considered the main reason for corruption in the world. In other words, corruption phenomenon all over the world refers to the nature of the new world order since 1991 and the collapse of the communist block not to forget the role of giant and multi-nationality companies in bribing the governments and officials in those countries. On the other hand, the elimination of corruption requires changing the new world order or putting controls to prevent corruption. Such controls should be consistent with the sovereignty of the states and prevent foreign companies from manipulation with the peoples' resources.

**Funding:** This study received no specific financial support.

**Competing Interests:** The author declares that there are no conflicts of interests regarding the publication of this paper.

## REFERENCES

- Abdul, W. and A.-D. Salah, 1975. Crimes of bribery and exploitation of exploitation in egyptian legislation, comparative study. Dar Al-Fikr Al-Arabi.
- Ahmed, A., 1997. The law of crimes of counterfeiting, fraud, bribery and misappropriation of public money. Alexandria: The Modern University Office.
- Al-Fatlawi and H. Suhail, 2010. Diplomatic immunity. Amman: Dar Wael.
- Al-Shathlym, F.A., 2010. Explanation of the penal code - special section: Crimes against public interest. Alexandria: University Publications House.
- Alston, P., 2005. Ships passing in the night: The current state of the human rights and development debate seen through the lens of the millennium development goals. *Human Rights Quarterly*, 27(3): 755-829. [View at Google Scholar](#) | [View at Publisher](#)
- Ball, O. and P. Gready, 2006. The no-nonsense guide to human rights. Oxford: New Internationalist.
- Bishop, D.R., 2006. International arbitration of petroleum disputes: The development of a Lex Petrolea, YCA 199. Garner: Trans-Lex.org. pp: 416.
- Bribery, 2001. Encyclopædia britannica. 11th Edn.: Cambridge University Press.
- Hamas, O., 2013. The crime of misappropriation of property in the private sector, site: Center for the generation of scientific research. Retrieved from <http://jilrc.com/crime-> [Accessed 8/1/2018].
- Hornick, E., K. Kristi and K. Brianna, 2008. Senate democrats hope stalling can block blagojevich's pick. CNN. [Accessed May 13, 2011].
- Huda, A.-A., 2017. Exploitation of bribes and bribery and confusion between them. Retrieved from <http://www.vetogate.com> [Accessed 1/1/2017].
- Legvold, R., 2009. Corruption, the criminalized state, and post-soviet transitions. In robert i. Rotberg. Corruption, global security, and world orde. Brookings Institution.
- Majd, K., 2016. Definition of administrative corruption, topic. Retrieved from <http://mawdoo3.com> [Accessed 24 January 2016].
- Markus, F.T., 2011. Don't pay for the misdeeds of others: Intro to avoiding third-party FCPA liability. 6 BNA White Collar Crime Report 33.
- Roth, J., 2004. Monograph on terrorist financing (PDF). National Commission on Terrorist Attacks Upon the United States.

- Saher, A.K.M., 2014. Administrative corruption causes and effects and the most important methods of treatment, research Retrieved from <http://www.nazaha.iq>.
- Senior, I., 2006. Corruption – the world's big C. London: Institute of Economic Affairs.
- Sufian, S. and O.M. Ben, 2014. The crime of bribery in the private sector in accordance with Law No. 6/1. Master Thesis, University of Abderrahmane Meera-Bejaia, Faculty of Law and Political Science.
- Tahir, A.-G.A.-A., 2010. Social responsibility and business ethics. Amman.
- Znoj, H., 2009. Deep corruption in Indonesia: Discourses, practices, histories. In Monique Nuijten, Gerhard Anders. Corruption and the secret of law: A legal anthropological perspective. Ashgate.

## **Second: Law, Declaration, Convention, and Decision:**

1. Algerian Penal Code,
2. American Declaration on Human Rights and Duties (OAS, 1948).
3. Anti-Money Laundering Law No. 93 of 2004, (65) for the year 1979.
4. Arab Convention Against Corruption The Council of Arab Ministers of Interior and Justice approved their joint meetings held at the headquarters of the General Secretariat of the League of Arab States in Cairo on 21/12/2010.
5. Arab Human Rights Convention, 2004.
6. Bahraini Penal Code
7. Cairo Declaration on Human Rights in Islam (Organization of Islamic Cooperation, 1990).
8. Convention against the Bribery of Foreign Public Officials in International Commercial 2010. Transactions by the Organization for International Cooperation and Development.
9. Convention against the Bribery of Foreign Public Officials in International Commercial Transactions by the Organization for International Cooperation and Development.
10. Convention on Immunities of the Council of Arab Unity 1965
11. Convention on Privileges and Immunities of the International Atomic Energy Agency, 1960.
12. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
13. Convention on the Prevention and Punishment of the Crime of Genocide Convention on the Rights of Persons with Disabilities (CRPD)
14. Convention on the Privileges and Immunities of the Specialized Agencies signed in 1947, Convention on Immunities of the League of Arab States 1953,
15. Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees CRC Convention Against Torture
16. Decision No. (156) for the year 2011 on forming a ministerial committee to combat corruption in Lebanon. Law No. (113, 12)
17. Declaration on the Right to Development (United Nations, 1986).
18. Declaration on the Rights of Persons with Disabilities (United Nations, 1975).
19. Declaration on the Rights of the Child 1923.
20. Decision of the National Coordinating Committee for Combating Corruption in the decision of the Prime Minister of Egypt No. 2890 for the year 2010.
21. Egyptian Penal Code,
22. European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
23. European Convention on the Protection of Human Rights (ECHR)
24. European Social Charter (ESC)
25. Forced. Convention on Indigenous and Tribal Peoples, 1989 (ILO 169)

26. Global conference was held in Ottawa 2002 attended by 170 parliamentarians and was established: Global Organization of Parliamentarian Against Corruption.
27. Griew, Edward. The Theft Acts 1968 and 1978. Sweet and Maxwell. Fifth Edition. 1986.
28. Inter-American Convention Against Corruption (MESIC) was established, and in 2002 the American Anti-Corruption Organization was established .
29. International Association of Anti-Corruption Authorities was formed at <http://www.iaaca.org/>
30. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
31. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)
32. International Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPCA)
33. International Covenant on Civil and Political Rights (ICCPR).
34. International Covenant on Economic, Social and Cultural Rights (ICESCR)
35. Iraqi Penal Code
36. Iraqi Penal Code (111) of 1969,
37. Jordanian Penal Code.
38. Jordanian Penal Code.
39. Law of illegal gains No. (52) of 1975, the Law of tenders and bidding No. (89) of 1988 .The Iraqi Integrity Commission Law No. (30) of 2011,
40. Law of Integrity and Combating Corruption of Jordan No. 13 of 2016.
41. Law of the Board of Grievances No. 11 of 2008 and the Anti-Corruption Law No. 62 of 2006.
42. Law of the State Consultative Council No. (65) for the year 1979.
43. Law of the Supreme Audit Bureau No. (6) of the year 199
44. Lebanese Penal Code,
45. Moroccan Penal Code,
46. National Commission for Integrity and the Prevention and Combating of Bribery.
47. Penal Code of the Internal Security Forces No. 14 of 2008,
48. Resolution of General Assembly of the United Nations, 34/169 of 17 December 1979. Human Rights: A Compilation of International Instruments, vol. I, United Nations, New York, 1993, Sales No. 94. XIV - Vol. 1.
49. Revised Framework Convention on Human Immunodeficiency Virus National Minorities (FCNM)
50. Syrian Penal Code,
51. The Anti-Illegal Authority Law No. (21) of 2014,
52. United Nations Convention against Corruption .2003
53. Universal Declaration of Human Rights (United Nations, 1948).
54. Vienna Declaration and Program of Action (International Conference on Human Rights, 1993). (United Nations, 2007) United Nations Declaration on the Rights of Indigenous Peoples (United Nations, 2007) United Nations Declaration on Sexual Orientation and Gender Identity (United

*Views and opinions expressed in this article are the views and opinions of the author(s), International Journal of Asian Social Science shall not be responsible or answerable for any loss, damage or liability etc. caused in relation to/arising out of the use of the content.*