

Corruption as a threat to the social security

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Abstract

Since ancient times, corruption, was a widely known crime, but nowadays has become a threat to the social security. Corruption is a social phenomenon, being the epicenter of economic, normative and moral derangements, the decrease of the feeling of solidarity and the weakening of the social control mechanisms. There are many definitions of corruption. Its broadest meaning is to use it abuse of the official position for a personal gain. This article is presenting the definition of corruption, but it also analyzes the structure, features and models of corruption. On the second part, the present material analyzes the phenomenon of corruption in Italy and presents the main legislative aspects of this country.

Keywords: *corruption; Italy; law; organized criminality; social security.*

1. About the phenomenon of corruption: structure, features and models

Corruption is a social (but also antisocial) phenomenon, being the epicenter of economic, normative and moral derangements, the decrease of the feeling of solidarity and the weakening of the social control mechanisms (No justice 2008).

The sources of corruption are fueled by the perpetuation of poor economic, political and social structures that are unable to mitigate economic difficulties, social conflicts and tensions, economic crises and inflation, poverty and unemployment, inequalities and social inequities between individuals and social groups, since only a small part of these causes could be counteracted by social and economic reforms; in many societies, acts of fraud, deception and bribery continue to increase sensitively, corruption becoming a real scourge that strongly undermines the social, economic, moral and political state, although measures have been taken to tighten the system of preventive and repressive sanctions against individuals, groups or organizations involved in corruption (No justice 2008).

From a sociological point of view, the phenomenon of corruption includes all immoral, illicit and illegal activities carried out by various groups and organizations (public and private) and various individuals with leading positions or exercising a public role in order to obtain some material advantages or moral or superior social status, by using forms of coercion, blackmail, bribery, buying, influence, intimidation, etc.

Corruption, since ancient times was a widely known crime, but nowadays has become a social problem. The term "corruption", according to the Italian Digesto, comes from the Latin verb *corrumpo*, meaning to damage, to rot, to undo and, figuratively speaking, to deprave. The Digesto also says that the fundamental concept of corruption stemmed from Greek legislation (Cifaldi 2018: p. 78).

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The organizational structure of corruption is the following (No justice 2008):

- "the corrupt", a function held by a person who bribes, buys, intimidates, negotiates with police, justice, administration, civil servants.
- "the corrupted," a public, political, financial, banking person who can be bribed in favor of the organization.
- "the planner"
- "the executing".
- "the crime planning" department (strategy planner),
- "the department" of internal justice (executor),
- "the public affairs" department (corrupt-corrupt)
- "the coverage" department (trade or industry).

The main features of corruption are (No justice 2008):

- corruption acts must be supported by the internal rules that characterize the organizational culture of the respective social control agency;
- these acts of corruption must be legitimate and justified to every new member of the organization through a socialization process in which the new members learn the norms, values and codes of conduct specific to the respective organizational culture;
- such acts must be supported by members who work and effectively fulfill the organization's goals;
- the same acts of abuse and corruption must be supported at the same time by the dominant administrative "coalition" of the organization.

The main theoretical models of corruption are (No justice 2008):

- the participatory model or co-opting of the subjects on which the social control is exercised, when developing the decision-making policy of the respective social control agency. Once you "co-opt" into the social control agency, the subjects in question can change the organization's (agency) formal goals, making it adopt deviant goals (Ilie Goga 2017: pp. 78-90);
- the "capture" model of social control agencies for the benefit of external users or exploiters;
- the "dominance" model exerted by the internal exploiters of the resources of the social control agencies. This model refers to the dominant administrative coalition of the social control agency, which manages the activity of the institution for its own benefit and which takes advantage of any violation of its aims in order to obtain personal benefits (No justice 2008).

Corruption must be punishable in order to create an example in society and discourage people to try (Ilie Goga 2015, pp. 183-194), but the way for states to this path is long and difficult, given that corruption often reaches the highest levels of structures states.

2. The notion of corruption

There are many definitions of corruption. Its broadest meaning is to use it abuse of the official position for a personal gain. Investing in a job official is an act of trust by which a person acquires the authority to act on behalf of a private, public or nonprofit institution. Corruption means the imposition of an illicit price for a service or the use of power conferred by the function to promote illicit purposes. Corruption is manifested through acts of omission or committing. It may involve legal or illegal activities. It may appear inside an organization (for example, embezzlement) or outside (for example, extortion). The effects of different types of corruption are very varied. Although corrupt

acts may sometimes lead to a net social benefit, corruption generally leads to inefficiency, injustice and inequality (Klitgaard 1988, pp. 30-48).

Corruption is considered a form of organized crime (Rădulescu 1998: p. 145), along with drug trafficking, arms trafficking, human trafficking, prostitution and pimping, forgery and use of forgery, money laundering etc.

According to F. Cazzola, three denotative criteria must be taken as permanent features in order to delineate a more precise explanation: legality, public interest (common good), public opinion. Of course corruption is everywhere the violation of legally defended ethical norms (Meny 1995: p. 9 197 apud. Cifaldi 2018: p. 80).

Due to the expansion of economic crime, corruption has become the main way in which power is gained in various countries, not only in the public sector but also in the private sector. From a general perception of several countries, it appears that corruption acts have a direct link with organized crime, but the reasons are not known and the facts do not come from a certain kind of committed act. And in the Netherlands in 2004, various acts of corruption were detected even in customs. Customs officers were suspected of collaborating with criminal groups in view of passing goods and people (Folea 2009: p. 194).

The functionalism in America has pointed out the advantages of a certain amount of corruption in socialist and undeveloped countries: corruption was the necessary key for certain stiff and rusty engines to get started again (Della Porta and Meny 1995: p. 2). Merton, following the sociological and anthropological turn of structural functionalism, came to theorize that the corruption of the political apparatus would help to implement certain functions unattended by official structures, thus coming to the conclusion that corruption could not be restrained, for this would imply devastating consequences on the system's stability. Corruption as a means to compensate for the functional flaws of official structures (Cazzola 1992: p. 482 197 apud. Cifaldi 2018: p. 80).

Integrationist theorists such as Merton have maintained that corruption allowed the humanization of public interventions, making up for the functional flaws of the official apparatus in an impersonal and objectifying contemporary society (Cazzola 1992: p. 484). Corruption is, according to these theories, perfectly able to foster the integration of certain groups in a given social and political system. Otherwise the system's integrity would be jeopardized by these groups' behavior. The economists' approach to corruption is somehow similar to Merton's theorization. Corruption is regarded as a favourable phenomenon for economic investments since it would halve consumption –the entrepreneur would find these occult, illegal practice the best way to develop his business (Cazzola 1988: pp. 18-19 197 apud. Cifaldi 2018: p. 81).

Pareto, as commented by G. Sapelli, gives a different explanation: We have now, on a different scale, a new feudality, partly reproducing the substance of the old one. In those times, gentlemen would gather their horses to go to war and, in case of victory, they would get the war chest. Nowadays politicians, unionists do the same: they gather their troops for the elections, to fight their enemy and obtain the profits of the winner (Sabelli 1994: p. 59). Pareto's passage is a crucial one, for it clearly depicts the factual historical and general form of corruption, especially in contemporary society's political systems. Pareto gives no alternative: the social apparatus of uniformity puts on display the impossibility of finding any behavior which would not be founded on fraud and deception, in politics as in the market. [...] The peoples' ethical conscience is the only thing that would "save us" (Sapelli 1994: p. 60). This is a consequence of conceiving power as a praxis, the ruling class using

two fundamental instruments for its self preservation: force and art, the capacity of politicians held “by the romans and by our contemporaries” (Sapelli 1994: p. 61). Pareto’s position are thus illuminating, in their punctual explanation of what corruption is. He speaks of “demagogic plutocracy”, a new way of administering power which uses money and decorations as its principal instruments. Weber’s theory is just as illuminating as Pareto’s: political and economical corruption is the consequence of the tendency to guarantee the acquisition of goods by groups or individuals, thus establishing a “political capitalism” which is nothing but the reproduction, in modern times, of the medieval class power (Sapelli 1994: p. 56 197 apud. Cifaldi 2018: p. 81).

3. About the phenomenon of corruption in Italy

In 2017, Italy has placed 60th in the Corruption Perception Index (CPI), released by anti-corruption campaign group Transparency International (The Local 2017). Only two European countries appeared to be more corrupt than Italy, namely Greece and Bulgaria (The Local 2017).

The latest laws pursuing the goal of fighting and preventing illegal activities in public administration by enhancing supervisory bodies are two: a law passed on November 6th, 2012, n.190 implementing the UN convention against corruption dated October 31st, 2003, and Strasburg’s penal convention on corruption dated January 17th, 1999. Law n. 190 modified the Italian penal code as follows: 1) it increases the penal terms for the crime of corruption; 2) it separates the crime of duress bribery by introducing embezzlement in giving or promising utilities instead of duress bribery; 3) it introduces the crime of illicit influences and corruption among privates; 4) it introduces extra punishments and confiscation of goods for active subjects in bribery and corruption (Cifaldi 2018: p. 81).

The Italian legal system orders the crime of corruption according to sections going from 318 and 322 of the Penal Code. The aforementioned sections contain a complex and articulated discipline, conjured up to fight, as Vassalli wrote, one of the gravest phenomena “of disgregation of the State and of the social order” (Cifaldi 2018: p. 81).

These very sections enlist a number of hypotheses for corruption, as follows:

Corruption for the performance of duties. More specifically, n. 318 quotes: the public officer who, to perform his duties or power illegally receives, for himself or a third party, money or other goods or accepts a promise, is punished by a prison term ranging from one to five years:

Corruption for an act contrary to official duties, also with aggravating circumstances,

Corruption in judiciary acts

Embezzlement in giving or promising utilities

Corruption of a public officer

Punishment for the corruptor

Instigation to corruption

Embezzlement, concussion, corruption and instigation to corruption of members of the EU and Foreign States and its functionaries (Cifaldi 2018: p. 82).

Corruption, according to the Italian legal system is therefore a necessary collusion type of offence, consisting in a criminal arrangement, *factum sceleris*, with commodity of the functional activity of public administration as its main object (Fiandaca et al. 2002: p. 219 apud. Cifaldi 2018: p. 82).

The Code distinguishes between proper and improper corruption. Proper corruption happens when the commodity concerns an act which is contrary to official duties, while improper corruption occurs when the commodity has for its object an act which is in conformity with official duties. Corruption is also antecedent or subsequent (Cifaldi 2018: p. 82).

Antecedent corruption happens when the retribution is established before the act and with the purpose to perform it (Fiandaca 2002: p. 220). On the other hand, subsequent corruption regards an act that already took place (Fiandaca 2002: p. 220 apud. Cifaldi 2018: p. 82). According to the authors, Fiandaca and Musco, the legislator considers proper corruption as a more serious offence, since the commodity has for its object an act which is contrary to official duties. On the other hand, improper corruption expresses an attenuated non-value (Mirri 2008: p. 3 apud. Cifaldi 2018: p. 82).

Part of the juridical theory maintains that corruption should be divided into two different crimes: active and passive corruption. Other theorists holds that the two subjective positions should be unified in a multi-subject offence. On a structural plan, corruption is a figure requiring, to be enacted, two or more people (Mirri 2008: p. 3 apud. Cifaldi 2018: p. 82). Leaving these different theoretical approaches aside, the most relevant distinction is that between proper and improper corruption (Cifaldi 2018: p. 82).

The “public officer” is the active subject of proper corruption. Moreover, according to sec. 320 -1, active subjects are also “any person in charge of public service” and according to sec. 321, “the private person” (*estraneus*). If one considers the definition of “public officer” given by the Penal Code, corruption involves all public officers, from low rank employee to managers (Cafferla 1992: p. 36 apud. Cifaldi 2018: pp. 82-83).

Apart from penal theory, the range potential active subjects widens notably, including those who hold power in a given society. Of course parts can be exchanged on various levels, when corruption is acted. The essence of corruption as the act of receiving or accepting the promise, for oneself or for a third party, of money or any other utility, remains unaltered. The position of the subject in the dynamic of the corruptive act can vary. Criminal conduct is enacted when the *intraneus* receives or accepts the promise, and the *extraneus* promises money or any other utility. The notion of utility is a broad one, and it has been broadly interpreted (Cifaldi 2018: p. 83).

Corruption demands at least two actors. According to the political economy approach, as Rose Ackerman stated, single episodes of corruption are the result of the meeting of two individuals who, on the basis of a cost-benefit ratio, decide it more convenient for them to pay and receive a bribe (Della Porta et al. 1994: p. 17 apud. Cifaldi 2018: p. 83). He who is corrupted must necessarily be the agent of another individual (or of an organization), since the main goal of bribing is to give precedence to individual needs in detriment of those of the organization he works for. In order to be suitable for a corruptive act, he who is corrupted must necessarily hold a position of power (Della Porta et al. 1994: p. 17 apud. Cifaldi 2018: p. 83).

4. Conclusions

Corruption is a universal problem, but local government around the world seems to be particularly vulnerable to it. Corruption acts different in size and type. Some are “free professional”, generated by the activities of certain individuals or groups of officials try to take advantage of the monopoly of power through bribery.

Regardless of terminology, when corruption reaches an advanced stage, it becomes deadly; and unfortunately this is the situation in many cities in worldwide. Systematic corruption generates economic costs by distorting incentive measures, political costs by undermining institutions and social costs by redistributing wealth and power to those who do not deserve it.

The disequilibrium between social question and the ability of the system to get back to it leads to a phase of “rebellion”, the followed by one of “innovation” (Magatti 1996: pp. 195-196 apud. Cifaldi 2018: p. 83). “Rebellion” in Italy can be traced back to the seventies, the so called “years of lead” and terrorism, Merton defines rebellion as a form of adaptation which encourages men to abandon their social structure, while forcing them to re-enter in a new type of society. This new structure will imply alienation from the goals established beforehand. Innovation is the “attempt to force and search for alternatives that go beyond the existing institutional order. [...] Innovation is, on the other hand, akin to, and often encompasses, deviant behavior” (Magatti 1996: p.196 apud. Cifaldi 2018: p. 83). In today society, corruption also occurs in the form of tax evasion, which indirectly affects us all (Xhango 2017: p. 46).

A fragmentary social structure and a semi-permanent political crisis gives way to two types of reaction. On the one hand a new bottom-up type of growth is looked for, on the other deviant behavior are fuelled, and they find in corruption and influence peddling its main reference background (Magatti 1996: pp. 196-197 apud. Cifaldi 2018: p. 83).

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