

Anti-Corruption Strategies: Between Legislation and Community Role

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Abstract:

This research aims to raise interest and draw the attention of stakeholders to the need to study the phenomenon of corruption, given its importance in the lives of individuals. Corruption contributes to the deterioration of individuals and society. The research also aims to identify the causes of corruption, ways to confront it, and its types. The importance of the research lies in shedding light on the phenomenon of corruption and attempting to address it. Additionally, this research contributes to providing researchers with the opportunity to conduct further future studies. The research attempts to come up with some proposals, recommendations, and results that are expected to benefit specialists in sociology and other sciences.

The research reached a set of recommendations, the most important of which is emphasizing the role of the law in reducing and combating corruption, as well as activating the role of religion, the family, and civil society organizations to play their part, and emphasizing the state's role in providing job opportunities, eliminating poverty, and achieving social justice.

Keywords: Corruption - Financial and Administrative Corruption - Causes of Corruption - Ways to Address Corruption.

Introduction

Everything we see in the world, whether political, economic, or social, varies in its forms, locations, and scale. The importance of the phenomenon of corruption comes after terrorism. It has various types, including financial and administrative corruption, which is a serious societal scourge. It is a long-standing and ancient phenomenon, occurring in all eras and in all societies, illiterate and educated, poor and rich, weak and strong. It has spread throughout society because it is linked to people seeking to obtain moral and material benefits through illegal means. The issue is clearly and conspicuously present in most of our societies and their institutions, causing economic problems. Many modern societies have struggled to eliminate this societal scourge, as it stands as an obstacle

to development. Its prevalence in state institutions is considered one of the greatest obstacles to economic development. Based on the above, the importance of the research becomes clear. The research consists of an introduction and three chapters. The first chapter is the general framework of the research and includes two sections: the first section deals with the main elements of the research, and the second section deals with the concepts and terminology of the study related to administrative and financial corruption. The second chapter deals with previous studies and includes three sections: the first section deals with a previous Iraqi study, the second section deals with a previous Arab study, and the third section deals with a previous foreign study. The third chapter describes the phenomenon of corruption and includes three sections: the first section deals with a historical overview of corruption, the second section deals with the types and causes of corruption, and the third section deals with mechanisms for combating corruption. Chapter One: General Framework of the Research

Section One: Basic Research Elements

First: The Research Problem

The research problem lies in the phenomenon of administrative and financial corruption, which constitutes crimes committed by public sector employees, who, in doing so, place their own interests above the public interest. Public employees should be careful with public funds and must be trustworthy in all institutions. In most cases, we find administrative and financial corruption deeply rooted in the structure of Iraqi state institutions, and it is not new. The crystallization of this serious problem makes it an obstacle to the advancement of development at all levels and a departure from development plans and programs. Corruption can, over time, transform into a moral problem when it becomes part of a society's culture and social structure.

Second: The Importance of the Research

The importance of the research stems from shedding light on the phenomenon of financial and administrative corruption, which is linked to public funds, given their importance for building state institutions at present and in the future. It is a fundamental economic pillar for the state, through which financial policies can be drawn up and the general budget established to achieve development principles in all areas, achieving progress and development. One of the goals sought by most countries, many societies face this phenomenon, namely administrative and financial corruption. All state institutions have worked to combat financial and administrative corruption, attempting to address it from the root, and confront it to build an economy built on solid foundations that can reach the level of developed countries.

The theoretical importance lies in the differing viewpoints among specialists, whether social scientists or intellectuals, regarding the meaning or definition of corruption, clarifying its effects and forms, and the causes that lead to it.

The practical importance lies in tracking and exposing specific types of corruption crimes that affect administrative and economic institutions, weakening them, and placing them under the control of corrupt individuals. Therefore, efforts must be made to find ways and mechanisms to combat corruption crimes.

Third: Research Objectives

1. The research aims to understand the concept of administrative and financial corruption.
2. The research aims to identify the causes of corruption.
3. The consequences of corruption.
4. Identifying mechanisms to reduce administrative and financial corruption within institutions.
5. The research aims to develop recommendations that will serve as part of the solutions to this dangerous phenomenon that is undermining the country's economy.

Section Two: Defining Concepts and Terminology

First: Corruption

Corruption, linguistically, is the opposite of righteousness. From the root word "fasada," it means "corruption," and it means "corruption." Corruption is the opposite of "reform," and corruption is the opposite of "interest," and it means harm (Faris, 2017: 16).

As for corruption, technically speaking, Vito Tanzi indicates that corruption is the deliberate use of the principle of reservation for the purpose of obtaining personal gain (Al-Shammari and Al-Fatli, 2011: 20). It is any behavior that involves the misuse of one's position to achieve an advantage for oneself or one's group. As a result, corruption leads to harm to the public interest (Al-Sakrana, 2010: 19). Or it is the actions undertaken by leading citizens in a state to obtain personal benefits, such as fraud, money laundering, drug trafficking, black market dealing, and others (Aboud, 2008: 15).

It is defined as a deviation from moderation, whether slightly or greatly, or a departure from righteousness to its opposite (Fares, 2017: 6).

The operational definition of corruption, then, is a behavioral deviation contrary to custom and law, undertaken by an individual or group of individuals to achieve their personal interests at the expense of the public interest.

Second: Administrative Corruption

Administrative corruption is the misuse of public authority for the purpose of obtaining personal gain. Transparency International defines it as the abuse of power for personal purposes (Fares, 2017: 7). It is also defined as the violation of public interests and duties (Al-Shammari and Al-Fatli, 2011: 21).

It is also defined as the ethical deficiencies of individuals that render them unable to fulfill their personal obligations. It also refers to behavioral deviations exhibited by employees toward their organizations, such as employees completely or merely abandoning their duties that serve the public interest (Alimat, 2020: 86).

Administrative corruption is defined procedurally as: an employee exploiting his or her position to engage in acts that disrupt public order, for the purpose of obtaining personal gain.

Third: Financial corruption

Financial corruption is defined as behavior that violates laws and ethics, based on the violation of public interests and duties (Faris, 2017: 8).

It is the illegal behavior characterized by the squandering of public funds, project brokerage, and arms trade (Al-Shammari and Al-Fatli, 2011: 29). It is also known as financial deviation and violation of financial rules and regulations. Examples of financial corruption include bribery, embezzlement, tax evasion, and others (Aboud, 2008: 49). It is a deviant act carried out by an individual or group, exploiting their influence in power to achieve private gain at the expense of social and economic benefit (Taqa, 2002: 154). It is also corruption that deviates from ethical and religious aspects. It is the most widespread type of corruption in Arab countries. Examples include bribery, embezzlement, and others (Alimat, 2020: 86). Financial corruption is defined procedurally as a malicious act that violates laws, customs, and values, carried out by an individual to gain money by exploiting their position or close relationship with decision-makers. Chapter Two: Previous Studies

Introduction

Previous studies provide the researcher with the scientific evidence and rationale for his or her research. Researchers may encounter many difficulties when conducting a theoretical or field study

by reviewing the literature and scientific works relevant to the topic of their study. The researcher attempts to obtain previous studies, given their importance in formulating the hypotheses of their study and comparing the conclusions and recommendations of previous studies with the results of their field study. Previous studies also illuminate the path for the researcher in reviewing the methodological plans used in preparing studies and the statistical methods used in analysis and conclusions. This helps them to be guided and follow them when preparing their study.

Administrative and financial corruption is an old topic, and there are many previous studies on the importance of this topic and its impact on society, including Iraqi, Arab, and foreign studies.

Section One: Iraqi Studies

First: Researcher Majid Aliwi Abdul Sada's study, entitled "Manifestations of Administrative Corruption and Mechanisms for Reducing Them: A Field Study of the Culture of Corruption in Diwaniyah" (2012) (Abdul Sada, 2012).

The study aims to identify the manifestations and dimensions of administrative corruption, the factors underlying the culture of corruption in Iraq, and the possible mechanisms and means that contribute to reducing the manifestations of this culture of corruption.

The researcher used three methods in his study: a social survey, a historical approach, and a comparative approach. The research population consisted of (227) individuals registered with the Iraqi Contractors Union, Diwaniyah branch. Among the results the researcher was able to reach through his study, it was found that corruption is widespread in the public sector at a very high rate of (94%). The study also indicated that corruption is the most serious problem facing Iraq, and that corruption rates increased after 2003. The study confirmed that bribery and administrative corruption are among the most important manifestations of corruption. The study also indicated that (68%) of the respondents do not file a complaint if they encounter a case of corruption, believing that there is no benefit from the study.

Second: Researcher Ithar Abboud Kazim's study, entitled "Administrative and Financial Corruption and its Economic and Social Impacts in Selected Countries" (2009) (Kazim, 2009).

The study aims to examine the social and economic impacts of administrative and financial corruption in the sample countries. The researcher used an inductive approach in his study. The research sample was Iraq, Nigeria, and Singapore. The reason for choosing these countries is the great similarity between Iraq and Nigeria in many aspects, such as natural resources and ethnic, religious, and political complexities. Most importantly, however, is the widespread prevalence of financial and administrative corruption in both countries, in contrast to the third country covered by the study, Singapore. The study's conclusions include the prevalence of administrative and financial corruption in both the private and public sectors at varying rates, with the highest prevalence in the private sector. Administrative and financial corruption has a significant impact and cost, and corruption deprives societies of their right to equality in all aspects. The study's recommendations include that the government review the basic conditions of integrity in the public service and eliminate the culture of corruption by not responding to this corruption, even if it is small, with silence. Leadership positions must be professional and administrative, free from partisanship.

Section Two: Arab Studies

First: Researcher Haha Abdelali's study, "Legal Mechanisms for Combating Administrative Corruption in Algeria" (2013) (Abdelali, 2013).

The study aims to outline the legal methods defined by the Algerian legislature to combat corruption, accurately diagnose administrative corruption, evaluate and review the criminal and administrative policies for combating administrative corruption, and identify the obstacles and impediments that stand in the way of the success of the national strategy to combat administrative corruption. The researcher used a descriptive and analytical approach, as well as a historical and

comparative approach. The study addressed specialized agencies involved in combating administrative corruption, such as oversight bodies, the Auditor's Council, the Financial Controller, and the General Inspectorate in Algeria. The study's results identified that the most significant form of administrative corruption is failure to comply with general conditions for employment, and that focusing on criminalization is insufficient to prevent corruption. The study also identified deviations in the formalities of concluding a deal, such as announcing the deal under conditions that do not permit competition, as well as the limited role of oversight. The most important recommendations of the study are the adoption of strict laws and legislation to combat administrative corruption, the need for Algerian legislators to intervene and criminalize the abuse of influence, and the necessity of coordination between various legal texts to eliminate corruption.

Second: Researcher Fahd bin Muhammad Al-Ghannam's study entitled "The Effectiveness of Modern Methods in Combating Administrative Corruption from the Perspective of Members of the Shura Council in the Kingdom of Saudi Arabia" (2001) (Al-Ghannam, 2001).

The study aims to identify the most common types of administrative corruption and the role of regulatory, supervisory, and judicial methods in combating administrative corruption. It also explores the role of the use of modern devices and technology in combating corruption. The researcher used the descriptive approach in his study.

The study sample was a random sample of (108) selected from the study community by members of the Shura Council, numbering (150). The most important findings of the study are the lack of effective oversight to combat administrative corruption, and the reluctance of some entities to disclose information related to administrative corruption. Prosecuting individuals who smuggle their funds abroad is one of the most effective methods for combating corruption, and the oversight role must be activated. The study's recommendations include urging judicial bodies to issue rulings as quickly as possible, activating the oversight role, urging media institutions to raise awareness in society and activate their role, and activating the role of civil society institutions.

The third section: Foreign Studies

The study by researchers Sheldon S. Steinberg and David T. Ostern entitled "Government, Ethics, and Managers" (1969) (Steinberg and Ostern, 1969).

The study focused on the ethical and unethical behavior of appointed and elected government officials in the United States. It discussed the various types of ethical dilemmas facing public sector managers, presented appropriate methods for analyzing them, and developed an administrative strategy to prevent unethical behavior. The study concluded that there are practices the government should adopt to prevent unethical practices and maintain ethical practices, including:

1. Training, which should be conducted through a well-designed program that makes supervisors more aware of the acceptable standards for ethical behavior.
2. Investigation: The independence of the investigation unit is essential to its integrity and the impartiality of its results.
3. Management audit, which refers to financial and administrative accountability, aims to identify problems and operational errors and uncover discrepancies in records.
4. Management oversight: This system should take into account the employees assigned to it and reflect a detailed understanding of the activities to be monitored.

Among the recommendations of this study are the introduction of clear laws requiring all meetings to be open to the public and any closed meetings not to be binding; the provision of a financial disclosure statement for every government official, disclosing all sources to the official, their spouse, and their children; and the enactment of laws that encourage and protect government employees who report unethical behavior by other government employees.

Chapter Three: Describing the Phenomenon of Corruption

Section One: A Historical Overview of Corruption

Various studies do not indicate a specific date for the emergence of the phenomenon of corruption. It may have originated with the beginning of creation on Earth. Hammurabi, King of Babylon, who expanded the kingdom and authored the oldest legal code known in history as the Code of Hammurabi, referred to bribery in Article 6 of the Criminal Code. We also note in the Nile Valley codifications that Egypt had commandments and references to regulating administration and proper relations within the state. Many religions have addressed the phenomenon of corruption, including Christianity in the texts of the Holy Bible. Islam addressed this phenomenon in accordance with the Islamic teachings contained in the Holy Quran and the Sunnah of the Prophet. This phenomenon has found a historical lesson and has spread to all European countries and the United States of America. Iraq is one of these countries where we find the phenomenon of corruption widespread in the structure of our society and institutions since the successive governments in Iraq. This problem has developed dangerously since the previous era, as many outlets for corruption appeared clearly and widely. After the collapse of the previous regime in 2003 and after the first Iraqi government Financial and administrative corruption spread to all government institutions. This period in Iraq witnessed unstable political, economic, and social conditions, and the spread of corruption, which included the opening of the doors to deviation in values and moral standards to which the people of Iraq were not accustomed. Most members of society attempted to obtain quick gains through various forms of corruption. This contributed to the increase in corruption, in addition to the security chaos that occurred during this period, the weakness of accountability, and the failure to implement laws. Corruption spread widely throughout all aspects of the state, and corruption appeared in the staff and work ethics, with some employees attempting to achieve personal interests and gains contrary to the laws and regulations prevailing in government institutions (Ma'abara, 2011: 80).

First: Causes of Corruption

1. Political Corruption: Political corruption includes the corruption of leaders, the judiciary, the executive, the legislature, and political parties. It also refers to violations of the rules regulating the work of political institutions within the government. Samuel Huntington notes that political corruption is a way to measure the degree of deterioration in effective political institutions and the link between political development and corruption (Al-Shammari and Al-Fatli, 2011: 23).
2. Establishing democracy is an integral part of the anti-corruption strategy, as the desire for re-election curbs the greed of politicians. Protecting civil liberties and freedom of expression, which often accompany democratic elections, allows for transparency and openness in government. In contrast, undemocratic governments are sensitive to corrupt incentives because their leaders tend to form governments with few checks and balances (Rosackerman, 2003: 204).
- 2- Financial corruption: This includes a set of financial violations and violations of the rules and regulations that contribute to the smooth running of administrative and financial operations in government institutions, as well as violations of the mechanisms associated with financial oversight systems. This includes arms trafficking, organized crime, tax evasion, bribery, and the waste of public funds, etc. (Al-Shammari and Al-Fatli, 2011: 24).
3. Administrative corruption: This refers to forms of corruption and organizational, administrative, and functional deviations, as well as those deviations resulting from employees performing their duties, which primarily involve irregular work. It results from disruptions in the system of regulations and laws, which exploit opportunities to benefit from loopholes. Types of administrative corruption include mediation, favoritism, forgery, lack of respect for time, employee failure to perform the required work, and mistreatment of clients (Abdul-Sada, 2012: 47).

4. Social and moral corruption: Social corruption is a behavior that attempts to destroy the set of accepted, expected, or recognized traditions and rules in the social structure, meaning that these actions are outside the values of human society. As for moral corruption, it is represented by deviant behaviors related to the employee's behavior and actions, such as performing indecent acts in the work environment, or combining the job with other work without the permission of his management, or exploiting power for the purpose of achieving personal goals at the expense of the public interest (Ali, 2015: 20). Second: Causes of Corruption

1- Political Causes: Corruption by government employees violates the social contract between the people and the government, weakens the legitimacy of the political system, and thus reduces people's confidence in the government. There are many political methods that contribute to the spread of corruption in any society, including: the tyranny of authority and the exploitation of position, which is one of the hallmarks of developing world countries. It is characterized by a single-minded vision and absolute enjoyment of power, often to the point of tyranny. It also includes a weak legal system and the exaggeration of laws and decisions. It also includes partisan conflicts, which encourage non-partisan members to favor each other. It also includes the inability of the government and the strength of pressure groups, the lack of an effective political system, and weak political awareness (Ali, 2015: 32).

2- Social reasons: Social reasons include demographic composition and family loyalty, which influence the increase in mediation. It is increasing in most Arab societies due to customs and traditions that accept it and do not consider it corruption. Rather, assistance is provided through illegal means, and attempts are made to find legitimate justifications for it. The moral aspect related to the phenomenon of corruption, which is considered a standard for society's commitment to traditions and customs, disappears within this framework. The view of work as the primary vital need of man disappears, and society's view shifts towards sincerity, integrity, and honesty. If each individual performs his duties in accordance with the ethics and mechanisms of the job, corruption will decrease to its minimum (Al-Jawfi, 2011: 58).

3- Economic reasons: The rise in poverty, economic hardship, and the high cost of living have driven many people in public positions to seek bribes. As a result of the economic crisis, it is difficult to get state employees to adhere to official rules and the ideals of institutional integrity. These reasons include the existence of commercial relationships and interests with external partners or producers from other countries, widespread poverty, class differences, and varying income levels, as well as the privatization of state funds, including the sale of public sector facilities and their restructuring on incorrect foundations (Ali, 2015: 33).

4- Administrative and organizational reasons: These lie in the complex procedures of bureaucracy, the lack of understanding of legislation, its multiplicity, or its failure to implement it, and the weakness of institutions due to the lack of reliance on competent administrative personnel (Salman: 100). Administrative corruption is closely linked to the internal environment, as it has conditions that encourage and motivate corruption. Numerous studies have examined the impact of administrative factors on the spread of administrative corruption within public institutions and facilities, including the bloated administrative apparatus, poor administrative organization, the tendency toward centralization and lack of delegation in decision-making, the complexity of administrative procedures, the predominance of bureaucratic nature in administration, and the backwardness and corruption of administrative leadership (Abdul-Ali, 2013: 72). Section Three: Mechanisms for Combating Corruption

To combat any phenomenon, it is necessary to understand its roots, identify its most important factors, and the impact it has on all aspects of life. Therefore, this combat process requires integrated and coordinated efforts and mutual cooperation, whether on the part of individuals, institutions, countries, or organizations (local, regional, or international). Furthermore, it requires an

integrated system of effective legislation, controls, and oversight systems. Among the most prominent measures, based on the above, we will discuss the possible mechanisms that contribute to combating and limiting the phenomenon of corruption and mitigating its risks: (Abdul Sada, 2012: 71). First: The Integrity Commission

The Integrity Commission was established pursuant to the law attached to Coalition Provisional Authority Order No. (55) of 2004. The Integrity Commission works to combat and prevent corruption by relying on transparency in the management of institutions and through: (Dawood: 80)

1. Investigating all corruption cases referred to it by specialized investigators under the supervision of a specialized investigative judge, in accordance with the Code of Criminal Procedure.
2. Supporting a culture in the private and public sectors that contributes to personal integrity and respect for professional ethics.
3. Enhancing Iraqi society's confidence in the government by disclosing the financial assets of officials.
4. Issuing standards of conduct that include codes of ethical conduct to support the proper and correct functioning of public office.
5. Preparing extensive and frequent public programs and workshops to raise public awareness and demand a just and honest government that is accountable.

Second: The Board of Supreme Audit

The Board of Supreme Audit is one of the main pillars working to combat administrative corruption, alongside the Integrity Commission. Pursuant to Law No. 6 of 1990 of the Supreme Council of Supreme Audit, the Board is the highest financial auditing authority in Iraq. It is responsible for overseeing public funds by exposing the misuse and misappropriation of public funds, which leads to combating corruption and maintaining integrity. To ensure the Board's effectiveness and independence, Order No. 77 of 2004 was issued, restructuring it as an independent public institution that contributes to supporting the government's economic effectiveness, credibility, and ability to manage its resources. The Board of Supreme Audit is responsible for overseeing and auditing the activities of the entities subject to its oversight throughout Iraq. The Board seeks to achieve the following objectives: (Dawood: 82)

1. Striving to preserve public funds by combating waste, squandering, and misappropriation, to ensure their efficient use.
2. Striving to develop the efficiency and performance of the institutions under its oversight.
3. Contributing to supporting the economy, its stability, and its growth.
4. Disseminate and improve auditing and accounting programs in accordance with sound rules.
5. Develop the accounting system, spread financial and accounting awareness, and raise the level of accounting and auditing performance in audited entities.
6. Approve the final accounts of all state institutions.

Third: Inspectors General

These offices were established pursuant to Order (57) of 2004 in all ministries. Their tasks include auditing and reviewing to support levels of integrity and accountability, overseeing the performance of duties within ministries, and preventing waste, abuse, fraud, and influence peddling by submitting reports to the minister. The unstable security situation and the proliferation of criminal elements within ministries contribute to weak investigations into corruption. Meanwhile, inspectors general within ministries complain that combating corruption is viewed as a function of those inspectors, not a matter outside of this or that ministry. The absence and support of inspectors from

the Iraqi government has contributed to widespread corruption in many ministries. Since inspectors general are not protected in the Green Zone, their recommendations are difficult to trust as revealing the truth about criminal behavior committed by any individual protected by criminal elements. Meanwhile, courts in Iraq are subject to political pressure and sometimes threats. Therefore, they are weak institutions unable to perform their work properly, due to the exposure of their employees. To threaten, which led to silence regarding the opening of major corruption files and bringing the perpetrators to justice, the offices of the Inspectors General were abolished by a decision of the Iraqi Parliament (Mahmoud and Al-Saadi, 2017: 35). Fourth: Parliamentary Oversight

Parliamentary oversight, under conditions of transparency, good accountability, and effective governance, reduces corruption to its lowest levels. In the absence of these conditions, the situation inevitably deteriorates. In many democratic political systems that follow the classical parliamentary method, parliament often plays a restrictive role as a driver of the political, social, and economic life of society. It is not free, but rather subject to parliamentary constraints. Parliament preemptively restricts ministries when it defines the legal framework for government activity through the laws it enacts, in addition to the other mechanisms it implements regarding them, most notably the accountability mechanism for members of the ministry, individually or collectively, to obtain explanations or data on their work as an executive body. This is achieved by directing questions to the prime minister, one of his assistants, or ministers or their assistants on a subject within their jurisdiction, by a member of parliament or all members of parliament collectively. The underlying objective of this parliamentary right is to obtain data on the work of the executive branch. Ministers are responsible for examining and studying the inquiries directed to them and preparing responses for further discussion in parliament. This mechanism has a direct impact on parliamentary oversight of the executive branch's aspirations, thanks to... This leads to drawing attention to errors and drawing attention to the perceptions within the government apparatus, thus exposing cases of corruption or its signs within that apparatus (Daoud, 2003: 225-226).

First: Conclusions

1. One of the most important causes of corruption is corruption by government officials and the abuse of power.
2. The exploitation of social relationships and family loyalty contributes to the spread of nepotism and administrative and financial corruption.
2. The complexity of administrative procedures and the predominance of bureaucracy in administration contribute to the spread of corruption.

Second: Recommendations

1. Enhancing transparency and accountability: Disseminating information related to public spending and government projects.
2. Reforming legal and judicial systems: Developing anti-corruption laws and enhancing the independence of the judiciary to ensure accountability for corrupt individuals.
3. Strengthening financial and administrative oversight: Establishing independent and strong oversight bodies, such as the Audit Bureau.
4. Developing a culture of integrity and ethics: Training employees on ethical and professional values and the importance of confronting and combating corruption, and promoting education and community awareness to encourage the fight against corruption.
5. Using technology: Adopting electronic systems in all government transactions to reduce human interaction that could lead to corruption.
6. Strengthening the role of religion, civil society, and the media: Activating the role of religion and supporting the role of civil society organizations in combating corruption.

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