

Anti-Corruption Mechanisms
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Abstrak

Fenomena korupsi merupakan fenomena lama yang ada di dalam setiap masyarakat dan sistem politik sepanjang sejarah yang mengatur kehidupan yang bukan hanya menyangkut satu orang maupun satu negara saja, melainkan telah menjadi penyakit serius bagi seluruh Negara, baik negara-negara berkembang maupun negara-negara maju. Cara yang paling efektif untuk memerangi korupsi di tingkat nasional dilakukan melalui upaya penguatan peranan legislatif dalam mengawasi eksekutif dan meningkatkan hukuman bagi kejahatan dan praktik korupsi; melakukan ratifikasi konvensi internasional dan akses badan-badan internasional yang konsen pada gerakan anti-korupsi; upaya harmonisasi peraturan perundang-undangan dalam negeri. Sementara itu di tingkat internasional, cara untuk melakukan perang terhadap korupsi dilakukan melalui upaya pengembangan penerapan serangkaian langkah-langkah peningkatan transparansi dalam setiap transaksi; menyediakan bantuan bagi negara-negara berkembang yang konsen pada gerakan anti korupsi baik secara individu maupun kelompok; memberikan bantuan dan dukungan bagi setiap upaya internasional untuk memerangi korupsi; mengembangkan indeks untuk mengukur tingkat rata-rata korupsi di berbagai negara di dunia.

Kata kunci : mekanisme, perang, korupsi

Abstract

The phenomenon of corruption is an old phenomenon found with the presence of human societies and political systems that govern these societies throughout history, and it these not concerns one people or one country without the other, and it's a serious pest for developing countries and developed countries. The most effective way to fight corruption at the national level through strengthening the role of the legislature in the control of the executive branch, and increase the penalties for crimes and corrupt practices, ratification and accession to the conventions and international bodies to fight corruption and work on the harmonization of domestic legislation. Meanwhile, at the international level, the way to combat corruption through developing on the application of a set of measures to increase transparency in transactions ; to provide assistance to developing countries that intend to fight corruption either individually or in concert with groups; to provide help and support for international efforts to fight corruption ; developed index measuring the prevalence of corruption in various countries around the world.

Key Words : mechanism, combat, corruption

Introduction

The phenomenon of corruption is an old phenomenon found with the presence of human societies and political systems that govern these societies throughout history, and it these not concerns one people or one country without the other, and it's a serious pest for developing countries and developed countries alike, as a major constraint to sustainable development affecting weak economic growth, and to devote the differences and distortions in the distribution of income and wealth and their concentration in the minority, increasing numbers of the poor community, in addition to the low efficiency of the public sector performance, and the high volume of harming public money.

This phenomenon of corruption differs in size and degree from society to another, and despite the existence of corruption in most political societies unless, the environment that accompanies certain types of regimes such authoritarian regimes, which encourage the emergence of the phenomenon of corruption in response to this bullying in this system while is less sized, than to

witch in democratic systems that the people involved in governance and listen to their opinion, respect human rights, and freedom.

Despite what has been said and published about corruption, and declared efforts by government agencies and nongovernmental at various levels and levels, but the national and international reports are confirming that rates of crimes of corruption are increasing in all countries of the world, especially the Third World countries. Hence this fundamental problematic issue became clear and effective mechanisms to address or mitigate the phenomenon of corruption.

Which requires spot on the most important mechanisms to combat this phenomenon both for the efforts of the international community, or for internal mechanisms to fight corruption at the national level, which has been treated in this manner and intervention of a legal analytical and inductive approach.

Combat Mechanisms at the National Level

The fight against corruption is a major criminal phenomena that

necrosis various sensitive sectors within the state, nor dependent index over the degree of development or failure by a State, so this phenomenon enjoyed with interest the various national legislation by the system each state, making it difficult to limit the joint mechanisms to face the phenomenon.

A. Permanent mechanism to combat corruption

The study of the phenomenon of corruption requires showing a variety of other concepts which are the permanent mechanisms to combat corruption, including: Questioning, transparency, and integrity (The EEA Financial Mechanism ,2009:8.It's intended to undergo officials and senior staff in the state to be questioned by higher degree, or by the competent authority process control, on three aspects: (a) Legal Questioning: means to monitor the persons conduct match with provisions control of the applicable law, the so-called legal principle of legality; (b)Administration Questioning: belonging to workers and government administrative bodies, where they lend control examination, evaluation and follow-up by those above

them score in the administrative hierarchy or ministry commandment (Transparency International UK, 2013:19), Moral Questioning : The purpose behind this type of control is to compare what the person covered with control must be bound with, the Secretariat, and justice in the work and treatment

Beside it, be transparent as mechanisms Standing in the fight against corruption and clarity of work within departments and the relationship among these departments and citizens of users of its services, as intended also: "public goals and objectives that seek these bodies or departments to achieve them," This applies to all acts of government its ministries different, as applies to the work of non-governmental organization which works for its own account and deal with citizens (Transparency International,2009).

Then Integrity is a set of values and ethics, honesty, and dedication to work, and despite the significant convergence between integrity and transparency but the difference between them lies in the fact that the first; concept of moral values while

the second relates to moral process systems and procedures. It must be reminded that the scourge of corruption spread and spread in all aspects of society and in the state apparatus. So the most effective way remain to fight at the national level in particular is trying to find a system and an integrated plan with the participation of all institutions (public and private) and social strata, in order to find ways to alleviate this scourge, and deterrent penalties on who exhibits these behaviors.

B. Parliament's role in fighting corruption

The deployment of democracy Requires that people conduct their own affairs, and what cannot be done directly is attributed to representatives acting for them in this management and control of the government, this prosecution affecting various powers and activities, though they take different forms, there are constitutional mandate direct to Parliament on the work of the Authority executive, and take a picture of the discussion and adoption of the government's policies and financial budget before it is implemented or give confidence in the composition of the

government. Also extends to the implementation phase of the government policy through means of control, such as question, interrogation, and the formation of a fact-finding commissions and committees hearing, etc., and even after the implementation of these policies such as the adoption of the final account of the balance, and the ratification of the resolutions and treaties

1) The conceptual Framework of corruption from a parliamentary perspective

Due to the diversity of perspectives intellectual in the definition of corruption and contrast political interests, it is difficult to find a comprehensive definition of the phenomenon, which requires showing concept of this phenomenon from different angles to focus on inner legal perspective, good governance, and then to reach the concept of corruption from the perspective of parliamentarism.

(a) A legal perspective

Legal perspective corruption is known as a violation of the laws, or the exploitation of their absence, or exploited for a variety

of purposes and interests may be political, economic, financial, commercial, or social interest of the individual or others who have an interest in him (Albichery, 2007:140). Also some finds that corruption is the abuse of powers and organs of administration by the employee in order to gain self-illegal interest. Through the definitions above, it can be said that corruption includes two elements, the first is the violation of the law and the requirements of the job illegally. The second is the abuse of position and powers for personal purposes (physical or moral) illegal at the expense of the public interest

(b) Perspective of good governance

Corruption from is seen the perspective of good governance on the basis that provide the individual for his own interest for the public interest or over what promised to serve there is another direction see that corruption in public opinion is based on cultural and social norms prevailing in that environment. The standard adopted by the Transparency

International (TI) is considered to be corruption, "each work includes the misuse of public office for private interest, that exploits the official office for the personal benefit individual to himself or his group." It is clear from the latter definition paradoxical link between corruption and good governance, as each weakness in accountability will expand the abyss of corruption and threatening staff do good governance

© A parliamentary perspective

The parliament is the only institution that can monitor the government's performance, especially it's difficult for citizens to access the officials gates to make complaints so parliaments are the public square for speaking expression instead. Through the before said that the fight against corruption and to prevent its spread also start from the parliament, the only guarantor of trying to reduce corruption that you know the political area at the highest level, and thus Parliamentary Corruption perceived corruption as it's a government corrup-

tion (Kubaisi ,2006:44)

2) Parliamentary mechanisms capable of combating corruption

Parliamentary anti-corruption mechanisms by the House of Representatives to exercise a range of powers, which vary from one country to another, according to the laws donor, and we can mention the most important powers of the deputies in the legislative room in Algeria

(a) Passing legislation to interrogate those officials:

Among the legal means that enjoyed by the House of Representatives we mention: Albi-chery (2007:148)

- issuing legislation as one of the main functions assigned to them, for the legislative authority in Algeria, we find that its role has diminished greatly in the field of legislation, so it is a prior to compile legislation against corruption at the state level as a whole in one system, which can be done through the formation of parliamentary working groups and technical compile laws, regulations and decrees aimed at corrup-

tion.

- Setting rigid legislation for anti-corruption, which often find their provisions ambiguous than turning it from the base of the fight against corruption to the cause of corruption in itself, and it is linked to the extent of efficiency, the ability and qualifications of Representatives.
- Mechanisms or committees assigned to follow up the implementation of the legislation on the fight against corruption.
- Involve all parties involved in combating corruption of those affected, and the mediators or observers.

(b) Using regulatory tools in the fight against corruption

In addition to the role of Parliament through the enactment of anti-corruption legislation, it needs to have a mechanism for its application, and especially for those are supposed to implement legislation, such as political officials in the executive branch. And it will be done only through special legislation to interrogate of senior state officials (Kubaisi,2006:65).

(c) Follow-up to the application of laws with the executive branch and law Enforcement institutions

The main function of government is to implement legislation and policies established by the Parliament or ratified by, that Parliament, it not only provide the laws, but raises policies and legislation, which the government is considered as the implementation authority. It is then the task of parliament is also to follow the government's commitment to these policies and legislation, and even if the validity of the President to issue decrees and decisions enforceable such as laws, it is the duty of Parliament to control the degree of commitment of legal application (Camerer,2001:9).

(d) Communicate with voters and civil society to see the reality of corruption

Through open dialogues with citizens in the form of seminars and forums on issues of corruption, in order to turn to the issues of corruption cases public opinion, and encourage the public to condemn and fight against

corruption, in addition to the development of a culture of civil society regarding transparency under control of law.

3) Parliamentary obstacles for anti-corruption

Stumble mechanisms mentioned above, anti-corruption with group of obstacles that hinder the parliamentary corruption control methods, such as:

(a) The complexity of the phenomenon of corruption

The self-interest the most important engine of corruption, and one of the main elements of the so-called: system corruption, the latter of which is composed of so-called general reasons for the phenomenon of corruption, these reasons that we find differ from one society to another and from one environment to another, what is the major cause of corruption in a State, maybe a secondary cause in another country, and for this corruption environment is complex due to the difficult to quantify the causes of corruption specifically

(b) Change the reasons for the spread of corruption

The causes of corruption as stated vary from one country to another, and from these reasons we mention, for example:

- Lack of commitment to the principle of the balanced separation of the three powers that leads to a breach of the principle of mutual control between these authorities.
- Weakness of the political leadership of a government anti-corruption legislatively.
- Weak control bodies (of all kinds) in the country and lack of independence.
- Low purchasing power as a result of the low salaries of employees in the public sector and the rise in living standards, which makes this segment looking for other illegitimate sources of living such bribes.
- Paralysis of the institutions of civil society and private institutions to fight corruption.
- Ignorance and lack of knowledge of the law by the citizens, especially with regard to the individual rights of each person

- Low independence index of the media and not to allow journalists access to information and records that show the nature of the work and its misuses.
- The absence of legislation, regulations and laws or regulations Court helps fight corruption, and impose deterrent penalties against those who practice it.

(c) Duplication of MP roles

This is intended to duplication between the role of the deputy in the fight against corruption from its parliamentary hand, and the impact of political and party affiliations and social performance for this role on the other hand. This makes the role of the deputy in the fight against corruption occupies a secondary position for deputy, who is often found trying to gain the trust of the citizens of the constituency chosen him as a prelude for a second term.

(d) Limited social recognition for MPs

MP works hard to get the data from various sources and information about suspicions corruption and evidence or evidence

confirms the fact, an issue difficult in most cases, because the official data that can be built upon corruption cases comes from the government itself, and it will not be easy for the government to facilitate the way to the deputy to get condemned it by the data. But even more seriously, that the government sometimes included ratification of the majority of what you say, and thus secured by the Parliament in the whole thing. Which makes the social environment misestimates the deputy honest and appreciation (Anonymous, ,2011:04).

Anti-corruption Mechanisms at the International Level

Corruption is the most dangerous problem phenomena and problems facing countries of the world without exception, no state in the world can claim purity of corruption, which is a major cause for the spread of other problems of political and social, security and economic problems, it is a social phenomenon linked to social conditions, political and cultural, economic and moral factors for who requires international efforts to

combat it.

Several efforts made at the international level to combat the most dangerous phenomenon plaguing many developing countries, but even developed ones, making international solutions indispensable on the international and national level.

A. Efforts at the international level

Based on the global spread of the phenomenon of corruption, the latter has been given the attention of many international organizations, including:

1) Organization of the United Nations:

The General Assembly of the United Nations adopted in December 1996 to resolutions on anti-corruption, has also set up a pilot project to combat corruption. Also continues all United Nations bodies to work on the application of a set of measures to increase transparency in transactions.

As the United Nations prepared the first Convention against Corruption in 2003, and presented to the General Assembly for its formal approval 95 countries signed on it, and agreement includes the issue of

stripping officials accused of corruption from office, this Convention tries to oblige States signed to criminalize acts of bribery, embezzlement, money laundering, and abuse of power.

2) World Bank:

World Bank insists on the need for integration between national and international efforts in the fight against corruption, the World Bank has developed a new strategy to combat corruption include four factors:

First: to prevent all forms of corruption in projects financed by the Bank.

Second: to provide assistance to developing countries that intend to fight corruption, either individually or in concert with groups or relevant international lending institutions and regional development.

Third: as the principle of anti-corruption is a prerequisite to provide the World Bank in the areas of fee assistance strategies and the granting of loans and the selection design of projects.

Fourth: to provide help and support for international efforts to fight corruption.

3) IMF:

Report of International financial institutions anti-corruption task force (2012 :02) stated IMF imposes conditions more complicated than those imposed by the World Bank, emphasizes on its assistance fund for each State proves government corruption degree impede efforts made to solve the economic problems.

The IMF fund identified corrupt practices to transfer funds in specific areas, as well as the involvement of employees in the operations circumvent customs and abuse hard currency reserves, and the abuse of power by the managers of financial players, and corrupt practices in the field of foreign investment.

4) World Trade Organization (WTO)

The World Trade Organization Established in December 1996 a special unit to monitor transparency in government exchanges among Member States, in order to pave the way for the drafting a convention on corruption.

5) The Organization for Economic Cooperation and Development (OECD)

It is the most active international

organizations in the fight against corruption, and its most important fields are:

- Bribery in international trade: the organization issued in 1994 a set of recommendations by which the Member States to combat bribery, and prevent bribery of foreign officials, as stipulated that the Committee on International Investment monitor the implementation of these recommendations and to report to the organization, also issued new recommendations in 1997 was characterized as more inclusive than its previous one and included pledges and criminalize bribe foreign officials (OECD,2011:24)
- Corruption in procurement funded aid: through the recommendations of the Year 1996, which calls for the adoption of a set of measures to prevent corrupt practices in procurement financed aid organization, also called on Member States to cooperate in the implementation of these recommendations.

B. Efforts at the regional level

At the regional level we can state the following regional efforts:

1) EU

The most prominent of the European Union Station in the fight against corruption is to adopt a new draft of the anti-corruption in May 1997. which have been adopted by the countries of the European Union as an effective tool in the fight against the phenomena of corruption and bribery.

2) Organization of American States:

In March 1996, 21 countries signed the Organization of the Convention on the fight against corruption, and signed by the United States in 1997. The Convention calls for the criminalization of domestic corruption and International bribes, also includes a set of preventive measures against corruption, and the Convention ratified by Argentina, Bolivia, Ecuador, Paraguay, Peru, Mexico, Venezuela, and Costa Rica in 1998.

3) Davos

The Davos Forum is a platform that brings together a group of officials and representatives of relevant international bodies to fight corruption and evaluation of corruption indicators, this conference acknowledged that corruption is costing the world about 2 trillion

annually due to corruption in government bodies, the thing that threatens the ability of governments to end the problem of poverty (William, 2004:24).

4)The international transparency organization (TI)

The more active international organizations in the fight against corruption. This organization has developed index measuring the prevalence of corruption in various countries around the world, based on the opinion polls included businessmen, and political analysts, and urging also public opinion. The number of countries covered by the report in 1998 about 85 countries, Denmark was ranked first time in terms of transparency, and was Cameroon ranked last.

Conclusion

Corruption is one of the most dangerous phenomena that affect the structure of society and hinder development, and increase its impact on developing communities, including Algeria, to make its limited resources. Therefore it is necessary for state institutions all necessary measures and cooperation with all competent

authorities to fight corruption and drain its resources.

To reduce the phenomenon of corruption in Algeria and developing societies alike, we believe that work should take several actions, including:

- 1) Activating systems of interrogation, and work on the transparency and fairness of relationship management citizen
- 2) .Strengthening the role of the legislature in the control of the executive branch, and increase the penalties for crimes and corrupt practices.
- 3) Support and strengthen control bodies and the use of modern software in screening and follow-up of corruption cases, to publish its report.
- 4) Encourage interaction and communication with citizens and the media, so as to exercise control constructive and uncover corruption cases without exaggeration or reduce.
- 5) Make attention to complaints by allocating special funds to complaints in all ministries, government agencies.
- 6) Ratification and accession to the

conventions and international bodies to fight corruption, and work on the harmonization of domestic legislation, according to the political situation and the economic and social mainstream.

- 7) It's not enough to talk about the fight against corruption through seminars and forums, but also must take practical steps to effective based on what has been reached by the results of official bodies, whether international or national, and through academic research as well.

Finally when official and popular efforts, civilian and security combine to promote justice, equality and uphold the culture of integrity, honesty, leads everyone and their duties diligently and faithfully to the fall of corrupt practices, and omit one of the most important obstacles to development.

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