

The Concept of Corruption: An Overview of the Past and Present Scenarios

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Abstract

Corruption is neither an old nor a new phenomenon and it has been around the globe for centuries since the existence of human civilizations. Corruption can be found everywhere regardless of state, country, system, race, culture as well as religion. To understand the concept of corruption as a timeless phenomenon, this paper discusses the matter by tracing the development of it started from the historical period of ancient civilization until present. The discussion is sub-divided into two eras i.e., pre-modern period and modern period. This article applied the qualitative research method which is in the form of document analysis. The primary and secondary data were collected from relevant documents concerning corruption such as statutes, decided cases, journal articles, books, magazines, newspaper cuttings, media reports, and blogs. The findings indicate that corruption, which has been in existence since time immemorial, happened all over the world and it comes in many forms and types. Despite exposure and harsh punishments being imposed upon perpetrators, corruption is still persistent. This means that corruption is not an easy problem to tackle, and laws alone could not be the only solution. Hence, cooperation from every member of society should be given emphasis in the fight against corruption so that corruption can finally be defeated.

Keywords: *Corruption, timeless phenomenon, human civilizations.*

INTRODUCTION

Received: 15 September 2023
Accepted: 25 February 2024
Published: 30 April 2024

Corruption relates to a type of behavior which refers to abuse of power to benefit a person or those who are related to him. The key feature of corruption is that it benefits the perpetrator but causes detriment to others. Corruption, which has been in existence since time immemorial, can rampantly be found everywhere all over the world. Hence, to better understand the concept of corruption as a timeless phenomenon, it is necessary to trace the development of the offence of corruption. For a better insight, the discussion is sub-divided into two eras i.e., pre-modern period and modern period. The pre-modern era refers to the historical period of an ancient civilizations and the modern era refers to the post medieval time till date. The purpose is to see the evolution of corrupt behaviour. Only with great understanding of the concepts of corruption, the offence can be effectively combated.

METHODOLOGY

This is a conceptual article which applies the method of qualitative research. The research is armed-chair research; purely based on document analysis and does not apply any empirical data for discussion. The primary and secondary data were collected from relevant documents concerning corruption namely statutes, decided cases, journal articles, books, magazines, newspaper cuttings, media reports, and blogs on the subject matter of study. The data was then analyzed and compared. The findings based on the analysis are then presented accordingly.

CONCEPT OF CORRUPTION

The term “corruption” according to Oxford English Dictionary was derived from Medieval Latin terms *corruptus* or *corrumpere* or *corruptio* which mean to spoil or to break into pieces or to destroy. In terms of verb, the word ‘to corrupt’ has many definitions such as to turn from a sound into unsound impure condition, to destroy, or pervert the integrity or fidelity of a person to his discharge of duty; to induce to act dishonestly, or unfaithfully, to make venal; to bribe. (Oxford English Dictionary, 1971). It also refers to illegal behaviour especially those in power; depravity; an act of inducing by using improper means; a departure from the original or from the pure or correct; decay or decomposition (Merriam-Webster Online Dictionary, n.d). Thomas Hobbes said corruption is the root at all times and in all temptations resulting from hatred against all laws. Some believe that corruption can be tolerated particularly if it involves developing the economy (Bahoo, Alon, Paltrinieri, 2020). In Islam, corruption is mentioned approximately 50 times as *fasaad* indicate that Islam acknowledges that corruption is a very severe society issue. Hence, Islam emphasizes on honesty, integrity, and transparency. All these traits are to ensure that there is no opportunity for those holding power to be involved in corrupt practices (Fathi, 2018).

Corruption in the Pre-Modern Period

The existence of corruption can be traced back to the Ancient Egypt, a civilization in the northeastern Africa dated from the 4th millennium of the BCE.¹

During this period, the prohibition against practicing corrupt behaviour was found in many documented records such as the Code of Hammurabi which have been in existence approximately 3400 years of age (El-Saady, 1998) and the Great Edict of Horemheb, one of the Kings of Egypt. The Code amongst other criminalized an act of corruption by saying “If a man (in a case) bears witness for grain or money (as a bribe), he shall himself bear the penalty imposed in that case”.² The Great Edict of Horemheb introduced laws to curb corruptions such as bureaucratic graft by imposing severe punishments to the offender. Among the punishments for corruption during his time were exile to the frontier for corrupt soldiers, beatings, whippings, the removal of noses, and even death penalty for severe cases (Elderton, 2019). In addition to the punishments, he also decreed an increment to the pay of judges, judgment officials, and soldiers to ensure that they will not be involved in corruption.

In the East Asian, the Ancient China also have some written laws on corruption which imposed punishments upon officers for bribery and corruption. (Enze Liu, 2016, p.5-6) For instance, during Qin Dynasty (221-206 BCE), stiff punishments were meted out by its penal code as corruption was considered a theft and the offender would be punished for the offence of theft.³ However, when bribery and corruption amongst officials worsened, systematic laws were enacted to impose more severe punishments such as whipping or death depending upon the amount or value of the stolen property (Enze Liu, 2016, p. 8-9). In the ancient world of India, approximately 2400 years ago, a text called *The Arthashastra* contained matters relating to corruption.⁴ The document contained a statement made by Kautilya, the prime minister of the ancient Indian Kingdom about the inevitability of corruption by public servants. The excerpt is as follows,

“... Just as it is impossible not to taste honey or poison that one may find at the tip of one’s tongue, so it is impossible for a government servant not to eat up at least a bit of the King’s revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot

be found out while taking money for themselves....and there are about forty ways of embezzlement by the government servant...”⁵

The statement made by Kautilya indicated that corruption was so prevalent amongst the officials of the Kingdom’s administration to the extent that any people with power would not be able to resist the temptation to be corrupted. This showed that corruption was inevitable amongst people in power.

The ancient Roman Republic had a comprehensive and complex legal code which prohibited the general crime of *ambitus* (Zachary, 2020). The word *ambitus* has its linguistic root word of ambition and is often used to describe political evils (Zachary, 2020). It refers to corruption in the form of bribery where people struggled for their political advancement by ignoring the interest of the nation. During that time, the *ambitus* covered electoral bribery and other forms of electoral fraud and corruption. As such, the anti-*ambitus* legislation contained punishments such as barring the offender from holding political office for 10 years or disqualifying him for life. Another legislation of the ancient Roman was the Twelve Tables which provided death penalty on judges who accepted bribes when making decision.⁶

In Islam, corruption is found under the concept of ‘*fasaad*’ which literally means mischief, abuse, rottenness, spoiledness, decay, decomposition, putrefaction, depravity, wickedness, viciousness, inequity, dishonesty and pervertedness.⁷ Technically, the word refers to a broad range of behavioral diversion that could threaten social, economic, and ecological balance in the world (Iqbal and Lewis, 2002, p.8). The prohibition of corruption can be found in Islamic jurisprudence namely Quranic verses and the hadith of the Holy Prophet Muhammad (SAW). For instance, the Quran mentioned the types of corrupt behaviour such as betrayal of trust, bribery, embezzlement, abuse of power and the condemnation of Allah against the perpetrators as well as imposing duty upon every leader and those in charge of the community to fight corruption.

“Allah does command you to render back your trusts to those whom they are due and when you judge between man and man, you judge with justice.”

(Al-Nisa:58)

“Mischief (*fasaad*) has appeared on land and sea because of that the hands of men have earned.”

(Al-Rum:41)

“Discharge the settlement to those who entrusted you, and don’t betray (*fasaad*) even the one who broke his promise.”

(Narrated by Ahmad and Abu Dawood)

“When the Administrator is given a job, he should receive his due and should pay the dues of others, he is then like a fighter in the cause of Allah till he returns home.”

(Narrated by Tibrani)

The above two hadiths relate the concept of *fasaad* to power and trust whereby those who have been entrusted with power are obliged to discharge their duty properly and are prohibited from misusing the powers that have been entrusted upon them. In the case of bribery, it was narrated by ‘Abdullah Ibn Amr Ibn al’as that Prophet Muhammad had said that all the parties to bribery i.e., the bribe-taker, the bribe-giver, and their go-between will invoke Allah’s wrath and condemnation upon themselves (Sunan Abu Daud). This hadith shows that bribery is a serious offence whereby none who is involved in the act shall escape from liability.

Islamic history also records instances of anti-corruption measures taken by the government. For instance, Umar Al-Khattab fought bribery and corruption of officials through expropriation of personal wealth accumulated during the tenure of office. This was done to prominent figures among the Prophet’s companions who were found to

have accumulated wealth which they did not have prior to employment (Kamali, 2019). The caliph ordered that they could only keep their property that was necessary for their livelihood and the rest of the property was to be surrendered to Baitul Mal i.e., public treasury. The expropriation of property, however, was not confined to government officials only; merchants, contractors and dignitaries who conducted business with the government but accumulated disproportionate amounts of wealth were also required to do as such (Kamali, 2019).

Corruption in the Modern Period

After the medieval period, there was a grand shift of the old traditional world to a new modern world whereby capitalism replaced feudalism and the empire system was replaced by nation state system. From the 15th to 20th century, reformation of religious institutions, administration as well as economy has taken place. Consequently, this led to the changing of society's views and perceptions upon corruption. For instance, Bernard de Mandeville, an Anglo-Dutch philosopher, and economist propounded a liberal ideology on economy and finance by putting forward to the public that the elements of self-interest, selfishness, private vice, self-promoting and luxury as beneficial to stimulate the economy.⁸

In the 18th century, Adam Smith recognized self-interest as a motivator for economic activity as well as a means of deterring corruption. In his book, the *Wealth of Nations*, he said "*It is not from the benevolence (kindness) of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love*"⁹ Here, he described self-interested behaviour as something that is good for economic activity and did not necessarily have negative connotation. Notwithstanding that self-interest might be beneficial as it could be a driving force for improving one's own living; it could also open many doors for corruption among members of society. This is because self-interested behaviour may induce people to do anything for personal gain without considering the effect of their behaviour on others.

The Renaissance era also saw the creation of a system known as bureaucracy to enhance efficiency of government administration. The system unfortunately was later misused when office bearers started using the system to generate side-income. This activity known as venality led to corruption as the key element of getting in the office is money and not effective services.

Corruption in the form of venality happened in many European countries such as France, Holland, and England. In France, it was reported that almost all posts of public responsibility had to be bought or inherited (Doyle, 1996, p.12-13). In Holland, nepotism and venality were widely practiced in the 17th century and became the utmost important element for anyone to hold political functions and administrative positions. It was reported that the Rotterdam burgomaster Jean Meyer (1634-1713) had bestowed 67 offices to his family members or friends or household and in return they paid him an annual sum (Vermeesch, 2009, p.63). In England, nearly all offices under the British Crown, including commissions in the regular army, were obtained by purchase and influence (Mark Knight, 2016).

In the 19th century, most of the western countries experienced socio-political changes via the establishment of democratic government which limited the influence of the aristocracy. Under the democratic government, the value system of societies was reorganized by establishing clear or non-ambiguous categories of practices of corruption. Thus, practices such as clientelism, patronage, pursuing of private goals in public office, venality, and bribery were considered as corruption (Bayly, 2016). Nevertheless, since no changes were made to the administration of power as well as to the daily business transactions, most of the acts of corruption mentioned above still exist in most of the public administrations. The corruption at public sectors gradually spread to the private sectors albeit with new strategies and types (Engels, 2016. p.71-72).

For instance, in the United States, the Whiskey Ring Scandal in 1871 – 1875 revolved around a conspiracy amongst government agents, politicians, whiskey distillers, and distributors. A group of officials and alcohol distillers plotted to defraud

the government of tax revenues on liquor. Through bribery and blackmail, the federal agents and whiskey distillers had under-reported whiskey sales which allowed them to evade tax and keep the liquor taxes for themselves.¹⁰ In Britain, the Marconi Scandal (1911-1914) amid the First World War involved four high-ranking Ministers in Liberal government including the future Prime Minister, David Lloyd George. They were accused of obtaining profit via improperly used information nowadays known as ‘insider trading’. As politicians, they have access to the government plans. They knew that a lucrative contract would be awarded to British Marconi Company (BMC). Using their political position, they bought shares of BMC’s subsidiary company at a price lower than the one offered to the public. Notwithstanding investigation being carried out, the politicians were finally exonerated from any liability on the grounds that the shares purchased were meant for their political party funds.¹¹

In the 20th century until present, corruption is still rampant in most parts of the world. Most of the corruption cases were committed by high profile people in various sectors causing billions of dollars losses. The nature and types of corruption remain to be the same. Nevertheless, with the advancement of technology, corruption becomes more sophisticated. In the 21st century more scandals involving corruption have been discovered and brought to justice. For instance, the Enron scandal (2001), the Car Wash scandal (2014), the FIFA scandal (2015), the Samsung scandal (2016), the 1Malaysia Development Berhad (1MDB) scandal (2018) and the Airbus scandal (2020) were amongst corruption scandals that have been exposed and finally led to the punishment of the perpetrators (Quah, 2019).

The 1MDB scandal has been described as the most serious and biggest scandal that has ever been recorded and the main accused is the Prime Minister of Malaysia, Dato Sri Mohamad Najib Tun Haji Abdul Razak (Jones, 2020; Ellis-Peterson, 2020). The case revolved around an embezzlement of public money from the Malaysian state fund called 1Malaysia Development Berhad or the abbreviation 1MDB. The company is wholly owned by the Minister of Finance Incorporated (MOF Inc). The accused held positions as the Prime Minister and Minister of Finance of Malaysia during which the embezzlement took place. The fund of the company was raised via bond sale but

unfortunately, more than US\$4billion was embezzled from the fund. About half of it was siphoned off by people connected with Najib Razak and RM700 million, believed to be part of the money, was later found in the former prime minister's personal bank accounts. He was charged with several charges of corruption and money laundering.

In 2020, Najib Razak was found guilty of 7 charges of power abuse for gratification, breach of trust and money laundering in relation to SRC International, a subsidiary of 1MDB.¹² This case is one of the corruption charges brought against him that has been completed. There are some charges still pending and waiting for trial and appeal. The case was about the subsidiary of 1MDB known as SRC International (SRC) which was set up purportedly to invest in projects associated with energy resources and minerals. To pursue its strategic plan, the SRC was granted a loan worth RM4billion by the Kumpulan Wang Persaraan (KWP). The accused had used his position both as the prime minister and minister of finance to have access to the money. The money was later transferred to several parties including RM42million landed in the personal bank accounts of the accused. This was done with the knowledge of the accused because the SRC was under the control and direction of him. This is evident by the fact that the accused was given absolute and complete power over the SRC as conferred by the company's constitution. This case illustrated corruption by way of abuse of power by persons who are in authority to gain advantage to oneself, or others connected to him but cause detriment to the nation. It was done in a sophisticated manner though the nature of corruption is still the same as before.

CONCLUSION

The abovementioned discussion clearly shows the followings: a) corruption has been in existence since time immemorial, b) corruption actually happened all over the world, c) even though corruption may come in many forms and types, the gist of corruption is abuse of power by one who is holding power for either his personal gain or gain to the people who are connected with him, d) corruption affects the efficacy of the services rendered as the perpetrator would be compromising his integrity by not doing his work properly and e) corruption had caused losses to billion of dollars. Given that,

this study provides a clear background of what corruption means and its existence till present. The findings of this study proved that the concept of corruption covers multiple type of actions and on the part of society, they should have knowledge about it so as for them not to be involved in that matter. Further, it showed that even though there have been various steps taken to combat corruption including via legal mechanism, the problem is still persistent. The scandals exposed and perpetrators taken to court and subsequently punished is a clear manifestation that the fight against corruption is not an easy battle to win. To the authorities, a better policy and laws should be designed that could provide more effective measures in combating corruption. To the society, they should not just depend on law alone to fight it. They must be proactive by not supporting any action that is corrupt in nature and willing to lodge reports to the authority in cases involving corruption. Only with full cooperation of the public can corruption be defeated.

Funding

No funding

Conflict of interest

There is no conflict of interest associated with this publication

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² Robert Francis Harper (trans), *The Code of Hammurabi, King of Babylon, About 2250 BCE*, (Chicago, University of Chicago Press, 1904), Code No.4.

³ Qin Code provides that, anybody who stole leaves from others' mulberry trees at certain measurement would be sentenced to 30-day compulsory labour service, and if five people or more engaged in the same theft, they would lose their left legs as a punishment. Ibid. Enze Liu, p.7.

⁴ This book was written in Sanskrit in the 4th century BCE and was only discovered in the late 20th century CE. It provides the practical guide for the governance of governmental institutions inclusive of Kings, ministers, local officials, diplomacy and means of defeating the enemy.

⁵ As cited in Pranab Bardhan, "Corruption and Development: A Review of Issues", *Journal of Economic Literature*, vol. 35 no. 3, (Sept 1997):1320.

⁶ The Twelve Tables was considered the first legal code of the Roman Republic drafted between 451 and 450 BCE. See, Kershaw, Daniel. (2020, May 24). "The Twelve Tables: The Foundation of Roman Law". The History Cooperative.

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⁸ See Bernard de Mandeville, *The Fable of the Bees of Private Vices, Public Benefits*.

⁹ See Adam Smith, *The Wealth of Nations. Book I-3*.

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¹¹ B.B. Gilbert, "David Lloyd George and the Great Marconi Scandal". *Historical Research*, 62 (149): 295–317.

¹² See *PP v Dato' Sri Mohd Najib Hj Abd Razak* [2020] 8 CLJ 319