

The Impact of Corruption on Human Rights & the Legal Mechanism for its Compacting: Case of Jordan

Raed S. A Faqir

*Assistant Professor / AlBalqa Applied University, Jordan
E-mail: fageerjo@yahoo.com*

Muddather Abu- Karaki

*Assistant Prof. Al-Hussain Bin Tala University H. K of Jordan
E-mail: dr_muddather@yahoo.com*

Majed Ahmad K. Marashdah

Assistant Professor / AlBalqa Applied University, Jordan

Abstract *The present paper addresses the issue of corruption and human rights in Jordan. This paper aims to explain the concepts of corruption and human right, the dimensions of corruption and its types. The main focus of the current study will be on the international and national legal frame work to compact corruption, the relation between corruption and economic crimes and organized crimes in Jordan. The issue of corruption and a comprehensive development in Jordan will be discussed by this paper. According to the adopted legal and judicial mechanisms to compact corruption in Jordan and the judicial attitude regarding this issue will be highlighted. The current study brings a significant conclusions and recommendations in order to protect human rights from corruptions; it advocates that all these recommendations are necessary for all branches of the state to reduce and eliminate the phenomena of corruption by all of its types.*

Keywords: *Corruption, Law, Jordanian Legal System, Democracy & Governance.*

1. Introduction

Corruption is an universal phenomenon. It is existed and conducted by human beings since time immemorial. Corruption is derived from the Latin verb *rumpere*, to break. According to this approach, corruption is where the law is clearly broken. This requires that all laws must be precisely stated, leaving no doubts about their meaning and no discretion to the public officials. A legal interpretation of corruption provides a clearly demarcated boundary between what is a corrupt activity and what is not. 'If an official's act is prohibited by laws established by the government, it is corrupt; if it is not prohibited, it is not corrupt even if it is abusive or unethical'. (John A. Gardiner, 1993:7)

2. Problem of the Study

Tracing the old penal codes of the world shows that even ancient civilizations clearly used bribery, which was like a disease among the Jews, the Chinese, the Greeks and the Romans communities (Thakur, 1979:7). In many other civilizations corruption was dominated public life, such as in ancient India (Thakur, 1979:12). It has been rightly stated that "corruption prevailed on a larger scale in India during the ancient period and the ones that followed" (Padhay 1986:26). Therefore, it can be said this phenomena was well known and increased during the medieval ages of many corners of the world. One

of the greatest evils of medieval administration was the extortion of perquisites and presents (Sarkar, 1935:83). Corruption was evident during the colonialism, there was almost regular and systematic corruption involving almost all officials at different levels in the political and administrative hierarchy of many of the occupied countries. There was an underlying belief among officials that corruption is a legal behavior that can be exercised freely without any stigma (Dwivedi and Bhargava, 1967:7). Corruption has been part of our economic and political life since ancient times. During the past few years, there has been a resurgence of interest in understanding the impact that corruption has on our societies (Jain, 1999: 192).

3. Hypothesis of the Study

The current study is about the Impact of Corruption on Human Rights & the Legal Mechanism for its Compacting: Case of Jordan. The first hypothesis to be tested in this study is that there exists a relationship between corruption and violations on human rights, the study showed that there are direct violations on human rights and indirect violations on human rights caused by corruption in public and private sectors of the state. The literature review of the studies revealed that the main causes of corruption may be individual, organizational or societal reasons. The second hypothesis of this study is that the increasing of the levels and degrees of corruption are linked with the existence of the efficient legislative, judicial and anti- corruption institutions or not.

4. Importance and Objectives of the Study

The importance of the current study emanates from the reality of that corruption is the main reason behind the violation of the social values and human rights in the modern era, moreover, corruption is paralyzing all the efforts of the sustainable economic development, especially when it is known that this disease is spreading in every and each corner of the today state, in the public and private sectors of the state. The main aims of the present study can be sought as following:

- To raise the level of awareness about corruption, therefore it is very necessary to define the concept of corruption and explain its causes and types.
- To develop a special understanding pertaining the issues related to corruption, especially to focus in the affects of the political, administrative, private and public corruption.
- To discuss the impacts of corruption on human rights, by focusing on the direct and indirect violations caused by corruption to the rights and freedoms of citizens in Jordan and other countries.
- To clarify the vital role of the legal mechanism in Jordan in order to compact corruption, such as the role of the judiciary, legislator, anti- corruptions commission, board of auditing and board of grievances.
- To identify the national strategies adopted by official and private agencies in order to compact corruption for the preservation of the human rights in Jordan.

5. Methodology of the Study

The present study is an exploratory one and hence a multipronged methodology is used to complete the study. This is included analytical and descriptive method as far as historical development and analysis of legal framework is concerned. The analysis of impact of corruption on human rights and the legal mechanism for compacting it in Jordan based on data that gathered through published annual Reports, Articles published in books, journals and new spapers etc.

Materials posted on websites are consulted. Thus, both primary and secondary sources are made use of in the completion of study. The Articles of the Constitution of Jordan, 1952 and several sections of different legislations and laws in Jordan are already reviewed by the researchers.

6. Definition of the Concept Corruption

There is no widely and a comprehensive accepted definition of the concept of corruption. It is found that each and every writer defines it from the view of his specialized area; however, most definitions emphasize the concept as a crime of economic calculation, abuse of public power or position for personal benefits. For example, El.Kayed defines it as “ an act by a public or private employee or citizen that

violates the laws, rules, regulations and principles governing the proper discharge of one's official duties in the expectation of personal gains" (El.Kayed, 1996:11). According to Wraith the term means the "gulf between prescribed behavior and actual behavior of an individual (Wraith & Simpkins, 1968). In general the term regarding Huntington means "behavior conducted by public officials in order to achieve private goals and purposes" (Huntington, 1977, 450). In the views of Wraith and Simpkins, the concept of corruption indicates that "any act deemed corrupted by the society, where a man feels guilty while committing it" (Wraith, Simpkins, 1964). On the same context, it means "any bad an official that aim at gaining illegal money or personal benefits" (Rashied, 1976).

In accordance with the opinion of Arnold J. Heidenheimer, the concept of corruption indicates the "pecuniary gains on the process of social interaction" (Heidenheimer, 1978: v), while in the view of Lasswell, it means "violation of public interest" (Kim, 1990:177-82). On the same context, Tilleke & Gibbins assume that the definition, which places the public sector at the centre, is so wide-spread, because the harms of private-to-private corruption have not been acknowledged as well as the public corruption, until recently, although it has always been present too (Warsta, 2004: 4). Corruption can be defined also as the abuse use of public office for private gain. This includes bribery and extortion, which necessarily involve at least two parties, and other types of malfeasance that a public official can carry out alone, including fraud and embezzlement (Gray and Kaufmanns, 1998: 9).

Corruption is a term with many meanings, but generally it entails misusing one's office for a private gain or unofficial end. It involves both a monetary and non-monetary benefit. Bribery, extortion, influence peddling, nepotism, scams, fraud, 'grease money', and opportunism readily spring to mind (Lal Balkaran, 2010). It can be defined also as a behavior which deviates from the normal duties of a public role because of private – regarding (family, close private clique), pecuniary or status gain, or violates rules against the exercise of private-regarding influence. This includes such behavior as bribery (use of reward to prevent the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding use) (Abu-Bakr H. Kargbo, 2006). It is defined also as Giving or obtaining advantage through means which are illegitimate, immoral, and/or inconsistent with one's duty or the rights of others. Corruption often results from patronage (businessdictionary, 2010).

Corruption demands a multidisciplinary approach, and many fields of study, from political science to economics, have addressed the issue. Each has a different perception of the problem and therefore generates different policies: operational definitions tend therefore to start broad and become more specific as they try to render corruption measurable. A well-known classification distinguishes grand from petty corruption. *Grand corruption* refers to the corruption of heads of state, ministers, and top officials and usually involves large amounts of assets. *Petty corruption* also called "low" and "street" corruption indicates the kinds of corruption that people experience in their encounters with public officials and when they use public services (hospitals, schools, local licensing authorities, police, tax offices, etc.).¹⁵ It generally involves modest sums of money (Karen Massier, 2009:15).

7. Types of Corruption

Corruption takes many forms; these many varieties of corruption can be categorized further in terms of their nature and types that can be summarized as follows:

A) Cronyism: It refers to a biased behavior or favorable treatment includes assisting friend or relatives by given them positions without regard to their qualification and professionalism, therefore, appointing people of personal relationship is regarded as cronyism (the oxford English dictionary, 1989). The term cronyism also embodies any type of priority given to a friend or relative to complete his dealings with government or gaining benefits of its services. Thus, it means "relationship" or connection, which can be translated as friendship with implications of continued exchange of favors (pye, 1992), but it differs from the concept of favoritism that involves subjectivity or bias on personal preference (Prendergast and Topel, 1993).

In Jordan, cronyism is dealt with as symbiotic relationship between business and bureaucracy, it includes the abuse of public office for private gains (Jordan watch, 2006) and it forms a goodwill act among the interested individuals .according to the view strategies adopted by the Jordanian anti-corruption commission, cronyism is an illegal act aims at depriving people their rights, or granting them interests of others (anti- corruption commission of Jordan,2008:5). However, this act is not dealt with as a crime, neither in the punishment code of 1960 nor in the law of economic crimes no (11) of 1993, but it becomes a crime under the law of anti corruption commission No (62) of 2006.

In a country like Jordan, cronyism is regarded as a chronic disease practiced even by the nation representatives, who use their political power to assist their voters, friend and relatives in gaining positions in both public and private sectors (Samira al.dassoqi, 2010).

B) Bribery: It is an act committed by public employees, in which favors are accepted in return for providing inside information or special services to certain individuals seeking to benefit from it (Z.el-kayed,1996:12). It can be defined also as “offering or accepting something of value in a situation where the person a service which goes beyond his normal job description (Smith, 2003).

According to article 170 of punishment code of Jordan no (16) of 1960, the crime of bribery is “an act of demanding or accepting, made by an employee or a deputed person, in service either by election or appointment, or any other person deputed with official task such as arbitrator, experts or liquidator, to receive gifts, promise or any sort of other interests. Some countries (such as Jordan), defines the crime of taking bribes simply as “bribes” (article 197 cr of Jordan), some (such as Germany) define it as “interest”(article331 GCC). Therefore, the crime of bribery includes an agreement between an employee and the interested person in order to make an employee receives interests or promise of getting it in future, and at the same time granting the second party his demands or needs.

C) Baksheesh: It is part of Middle East daily life, the concept originally refers to the Persian word that means “present”. The term baksheesh may be known as that extortion payments are required for the involvement of supplies and people, contractors inflated their bids accordingly (Williams, 2009:159). Therefore, it is a gratuity, tip, or bribe paid to exercise in Jordan, especially in private sectors (Awad and yousif, 2010:24).

Under the punishment code of Jordan, baksheesh is not provided as a crime, unless if it comes within acceptance of gifts or bribes by official employees as mentioned in Article 170. The common practices of baksheesh in Jordan takes forms of petty amounts of money given for services made a waiters and the paid amounts for restaurants and hotels servants is usually included in the invoices with limited percentages, moreover, labor owners keep some kind of collection boxes for collecting baksheesh's and then distributing it equally a money all servants (al-marashdah, 2008:24-25) therefore, baksheesh is part of wages as provided under article 2 of labor law no18 of 1996.

D) Embezzlement: Embezzlement is defined as taking money for ones own use in violation of trust, such as embezzlement of public funds by officer having them in charge.

According to article 174 of the Jordanian punishment code no (16) of 1960, the crime at embezzlement is “any act of receiving of states money or thing made by public officer having them in his charge”. Therefore, it is an act of taking property or funds legally entrusted to someone in their formal position as public officer, private officer, agent or trustee. The crime of embezzlement is constituted from four elements ,namely, the act of embezzling, committed by public officer, the taken money should be in his charge and the availability of the *Mens Rea* (criminal intention)(cassation decision 2002,966).

8. The Integrated Causes of Corruption

Various attempts have been made by many studies in regard to analyze the causes of corruption. These studies insist that the main causes of motives or as result of financial problems or it can be for external factors that are prevalent within an existing social and administrative context can also be a problem (Al. kayed, 1996:13). Other studies, suggest that the causes of corruption are that government monopoly of economic activities, conditions of political “softness”, widespread poverty and socio- economic inequalities imbalance in the legitimacy of governmental organization, and maladministration (Gould,1983:1-41).

As regard the phenomena of corruption in developing countries, some studies suggest that its reasons are the colonial regime and institutionalization of capitalism, which influenced the main social structure of these countries (Hoogvelt, 1976). Thus, these causes have led to the loss of national efforts to compact corruption, rights and frustration as well as losing morality of work (Kilani,2002:80).

Accordingly, other writers advocate that bureaucracy is one aspect of the main causes behind corruption (Kim, 1992: 177-182) overwhelming administrative red tape ,excessively complicated bureaucratic procedures ambiguous instructions and a general “lack of transparency“ (El .Kayed:1996:13). However, the bureaucratic culture model focuses on the causes of corruption though using the effect of Confucianism (Henderson, 1968). Therefore due to this model corruption is explained as a violation to the socio- cultural norms in the society by bureaucrats.

Meanwhile ,El.kayed points out that the external pressure, law and modest salaries, large differentials between wages paid in the private sector, lack of self-control and restraint, poverty and

unemployment, a monopoly of services by one party and common values of corruption (El. Kayed:1996.13).

In particular, in case of Jordan, the family – first ideology of social values and attitudes that place loyalty to ones family, tribe or clan above personal duties to serve his own state and to discharge his obligations in a violative and professional style. As it is done in many counters of the world, families in Jordan pushed their sons to make their divine role in common life to protect their family reputation and to increase their family influence to give rise to family – type administration. Therefore, public officers are most likely to relatives of the office head, then they feel the head is obliged to take care of his relatives as if he their tribe or family head (Faqir, 1998).

In fact, the major causes of corruption can be classified into three types, mainly, individual or behavioral causes, organizational, and societal reasons. The individual reasons are attributed to the poverty, unemployment, family's ideology, lack of morality and professional ethics and internal motives. One of the most important individual causes of the corruption is deterioration of personal morality, which is caused either by genetic or environmental circumstances. The genetic reason usually referred to the disorder of the human genetic factors, while the environmental reasons are emerged due to many external conditions of the social, economic, cultural, educational and ethnic values of the society that resulting in deviant behavior (Traub and little,1975:59-61).

The organizational reasons are related to different factors: the absence of accountability, collapse of the control system, lack of transparency, poor organization leadership and poor recruitment and selection procedures as well as lack of explicit standards of performance for employees and organization units (Kim,1992). In general, other organization causes of corruption my be lack of transparency, loss of public morality and the influence or pressure of external type imposed on public and government officers (El. Kayed: 1996:13).

The societal causes of corruption may include injustice, inequality, absence of the legal protection of legislation to the public funds, lack of transparency, unfairness in privet or public deals and malpractice of the common values of the society (Al. Shakanbeh ,2008:2). Other types of social cases of corruption may include common values of society, societal tolerance of corruption, absence of political will to compact corruption and absence of national strategies for anti- corruptions determinant (Kim,1992:251). In the context of the integrated approach, it can be said that people are not corrupt by nature, the main causes of corruption not only in Jordan, but in general, include bureaucracy of individuals and organization, internal motives and external factors. Jordan's socio-economic environment have been unstable and under developed until recently. However, the efforts of the different government of Jordan since its establishment determinately to enhance justice, equality before law by enacting contemporary laws and legislation that protect public fund, transparency and fairness (Al.shakanbah, 2008:2).

9. Corruption's Effects to the Human Rights in Jordan

The effects of corruption on the issue of human right became very clear in the present days. The very nature of the human rights is relevant and common to all peoples (UD HR, 1948). The united nation organization spend a lot of efforts to mitigate the implications of corruption on human rights of people, either involved in public or private sector. It has drafted every important document in this regard that is the United Nations convention against corruption (UN convention against corruption, 2003). Therefore, the present study tries to focus on the issue of preventing human rights abuses, the violations caused to human rights by corruption and examine how corruption effects human nights in Jordan.

The idea of human rights is common one for all societies; it gained a huge attention during World War II due to the extreme violations and abuses to nations and individuals of the world. This war later led to the birth of the United Nations organization, which was the most important of its contribution in keeping international peace and security the adaptation of Universal Declaration on Human Rights, 1948 that really called as the most important legal document in the history of world (Drinan, 2001:9).

However, the Universal Declaration On Human Rights, 1949 is the main basis for adopting the two UN. Convenient; The international covenant on economic, social, and cultural rights and the international covenant on civil and political rights (ICESR, 1966, ICCRR, 1966). The UN. Human rights sub-commission provides basic rights to be respected and promoted, namely, rights to equal opportunity, on-discriminatory treatment, security of person, rights against use forced or compulsory labor, freedom of association, right to collective bargaining moreover, the commission provides respect to national sovereignty and human rights that include not paying bribes, not abusing human rights by company's goods or services, the right to respect civil, cultural, economic, political and social rights. Furthermore, it

insists on respecting rights to development, adequate food and drinking water, rights to have adequate health services, housing, education and freedom of thought, opinion and religion etc (Feng,2004:10)

The violation of human rights by conducting corrupt acts may be direct or indirect ways. These act, can be explained as following:

A) Direct violation of human rights: Corruption violates human right, when it is used as a means or act by itself to deliberately abuse human rights values and standard that embodies in the international bill of rights(ICHRP,2009).For example, denying freedom of association or religious rights is considered as unlawful action, and then sort of corruption that violates human right can be a result of political or police corruption, in this regard the study made by international transparency showed that “the first rank of corruption was found in police and the third rank was in the legal and judiciary system (transparency international,2007).

In present days, corruption attacks the main pillars of criminal justice system, which affects the human rights of the accused during the pre-trial and trial stage, therefore the rights of the person involved with criminal process during police investigation and judicial investigations. The violations of the human right in the field of criminal justice in Jordan may be due to many reasons such as: the lack of specialization, lack of modern technological systems for judges, personal interference in the independence of judiciary, administrative monitoring of judicial decisions, giving order in cases, slow proceeding of trials, disorder in file keep and the dominance of traditions (Kalani, 2002:71-79). Sometimes, the poor ethics of police that make police arrest, detain persons by relying on fake evidence and bribery (Thaipradit, 2004).

Access to fair legal proceedings of justice is the major issue for human rights protection. Therefore an anti- corruption measures need to be developed in order to preserve the human rights during justice procedures, in Jordan it is basic element of criminal justice that no person to be charged in absence of evidence (El.kayed,1996:15).The problem of injustice and unfairness inside the court system in any country my be attributed to the political corruption, which indicates imbalance in the distribution of powers, and especially the powers of justice administration (Abu- Soilm,2010:18).

In addition, direct human rights violation caused by corruption is also found in legislations of public services. Thus, an attention should be given to the legislative aspect, which involves refining both the legal system and the legislative process and enhancing its transparency (El.Kayed, 1996:16). In this case, it can be mentioned that lack of transparency and poor supervision are behind abusing the power of appointing and selecting employees on grounds not based on qualifications or equities, this kind of abuse is a violation to the right of equal opportunities provided by article 6(2) of the constitution of Jordan, 1952.

B) Indirect violation of human rights: In contrary to the direct violation of human rights, the indirect violation to the human rights by corruption my be considered as necessary for violation, but it can not be dealt as a violation by itself. For example, when police keep eye blind to the committed crime of any nature is considered indirect violation of the human rights of victims.

Corruption is deemed as indirect violation to human rights, when it is committed as means to protect corrupt person, or to avoid the legal consequences of the crimes of corruption, such as attacking or arresting journalists and activities after the exposure of corruption, threats made against witnesses in order to hide the truth before the competent court or practicing and kind of discrimination by police or public officers on the bases of religion, color, race or any other foundations (Article 6 of the constitution of Jordan ,1952). Thus, sometime public officers may commit criminal acts in order to hide corruption or to prevent others from exposing it (Asian center for human rights,1004).

Accordingly, corruption leads to create new rule, traditions and illegal organization in dealing with government agencies. In same time, it contributes in collapsing, hiding the legal organization set by laws, regulation which make these agencies untreatable nationally and internationally (Bowadi, 2008:28). The indirect violation of human rights caused by corruption may affect the fundamental rights of persons, such as the rights to equal opportunities, rights of access to information and the freedom of media (Abu soilm, 2010:91).

10. The Legal Mechanism for Compacting Corruption in Jordan

10.1 The Role of Legislator

The constitution of Jordan, 1952 set the main fundamental rights and freedoms of citizens, and left the issue of its regulating to the legislative law in the country. Therefore, the enactment of any law violates

these rights and freedoms will make this law as unconstitutional in this regard, it can be said the constitutional legislator had a tendency to compact corruption, but not explicitly, by providing some articles prohibits any sort of violation to the fundamental rights of the Jordanian citizen. In addition, the criminal and panels laws in Jordan provide many provisions for criminalization and punishment of corrupt acts, such laws try to protect the human rights of individuals and groups.

In spite, the constitutional legislator does not used the term of "corruption" within the articles and provisions of the constitution of Jordan, 1952, but he insists on the issues of democracy any transparency of the ruling system in Jordan, especially in regard the subject of protection human rights. For example, article 1 of the constitution provides that the nation is the source of powers in the country; in this case it is assured that no one except parliament can enact laws in order to protect the rights of citizen. On the same context, the constitutional legislator an tended to prevent political corruption by specifying the duration of nation representatives in the house of nation (house of deputies) for four years (Al.khatib,271).

The constitution also provides for the respect of right and freedoms of citizen and its violation within the limits of rules of legitimacy and due process as provided in articles 7 and 8 of the constitution of Jordan, 1952.

In response to the international efforts to compact corruption, the law of anti- corruption commission No (62) of 2006, was enacted. This law is considered as a contemporary law to control and eliminates all sort of corruption that may occur in Jordanian public or private sectors. Article 5 of the Jordanian law of anti-corruption commission provides clearly for all acts, which can be classified as corrupt crimes such as, crimes against the duties of public employment, crimes against public trust that provided in the Jordanian punishment code, No (16) of 1960 and its new amendments, and economic crimes as provided in the Jordanian law of economic offenses No (11) of 1993 and its new amendments. It is provided also by the types of corruption all acts of abuse of powers, acceptance as well as all sorts of acts prohibited by international documents, which have been approved by the government of Jordan.

Finally, the legislative role for controlling and compacting corruption for controlling and compacting in Jordan can be concluded namely, as by raising questions regarding corrupt cases, holding hearing and inquiries to these cases. The legislator can set measures that necessary to improve the performance of public administration, it can also ensure civil servants are paid adequate wages, insist on the simplification of bureaucratic policies and measure decrease the chances of corruption and enacting rules and regulations that prohibit corruption etc.

10.2 The Role of Judiciary

Judiciary is deemed as the castle for protection of human right of citizens against violations caused by corruption. Thus, it can not play a vital role in preserving human rights unless it is free from the dominance of the executive power (Kilani,2004:71). It has been really noticed by Jordanian justice Farouq Kilani that the independence of the judiciary is a principle that had been set by the will of free people as an immortal objective to achieve justice in the society and safeguard the state and the individuals' rights.

According, the constitution of Jordan,1952 provides in its article 97 that judges are independent in the exercise of their judicial functions, and they are subject to no authority other than that of the law. While, article 101 (I) states that the courts shall be free from any interference in their affairs. Therefore, it can be inferred from these articles that no one have any power over the ruling of judges in Jordan, or to interfere in the judges affairs such as the power to demand any case pending trial nor to oversee it or give directive about it.

Moreover, the judicial system in Jordan in order to compact corruption should be entirely independent from the influence of other branches of the state. The judges himself should be free from the internal and external influences and interferences (Faqir, 2004). In fact, fighting corruption in Jordan by judiciary requires to enlarge the powers of judges in deciding cases, especially as regard the cases of unconstitutionality of laws, which need to establish anew positional court in Jordan that may deal with the cases of political, administrative and government corruption (Al.Thbitat and Faqir,2010:6-8).

Enhancing the role of judiciary for compacting corruption in Jordan requires to strength the authorities of the general district attorney and the legal consultants or advisors within many ministries as well as establishing a depart of investigation within ministry of justice in order to investigate corruption cases such as abuse of powers by public officer, movement of public funds, evasion of customs and

income taxes and monitoring transactions relating to banks, stokes and financial markets, privatization

and investments (El.Kayed,1996:18-19).

10.3 The Role of Anti-Corruption Commission

The Jordanian Law of Anti- Corruption Commission No (62) of 2006 embodies a group of procedures that designed for pre-trial investigation of corruption crimes in order to preserve the human rights of individuals as provided by the constitution of Jordan, 1952. Article 7 of this law emphasizes many legal procedures to be conducted during the pre-trial stage, which can be used to inspect and detect the financial and administrative corruption, such as the detection of violations and encroachments, gathering all information about the offense of corruption and the initiation of the essential legal and administrative proceedings against persons involved with such type of offenses. Therefore, it can be said it is within the powers and authorities of the Anti- Corruption Office in Jordan to bring and gather all information about the commission of the crime of corruption in order to evaluate the situation for initiating the legal proceedings against the suspected person and subject him/her to primary investigation in order to refer the case to the competent court or to release him in absence of criminalizing evidences (Al. Bahar, 1998:194-195).

The pre-trial investigation includes inspection stage and criminal investigation stage; these two stages can be conducted by the officers of the Anti- Corruption Commission in Jordan, as follows:

- **Inspection Stage:** The inspection stage starts from the moment of receiving the information or complaints by police men, or where there is a real doubts about the commission of an offense of corruption that necessities investigation, such as the act of abuse of power by any of the public employees (Al.Juraish, 2003: 327). Accordingly, the employees of the Jordanian Anti- Corruption Commission as provided by Article 7 of the Jordanian Law of Anti- Corruption Commission No (62) of 2006 are judicial police officers that have wide powers and authorities to collect and gather information about the committed offenses of corruption or regarding the potential commission of theses crimes in future. In addition, Article 16 of the same law in matching with Article 9 (1) of the Jordanian Criminal Procedure Code of 1967, provides that the president and members of the “ Anti-Corruption Commission “ are considered as judicial police officers for the purpose of exercising their tasks, and the assembly can also determine the officer who can enjoy this designation.
- **Investigation Stage:** This stage is the second one that follows the stage of inspection of collection of information about the commission of the crime of corruption, therefore this stage is not decided unless there real evidence against the suspected person that he commits the occurred crime. For this reason refereeing the case of corruption with the suspected employee of commission corruption is the first step in the legal proceedings or legal litigation (Al.Zakary: 68). Furthermore, the Anti-Corruption Commission is a competent Body that conduct criminal investigation regards the offenses of corruption, in this regard Article 14 of the Law of Anti- Corruption Commission No (62) of 2006 states that “the judicial counsel deputies on the request of the president number of public prosecutors to the Commission for exercising their tasks and authorities as per as in force laws”. The same Article provides also that the public prosecutors of the commission have the power to conduct the legal and administrative procedures against the suspected person involved in corruption case in order to keep the movable and immovable things, preventing the suspect from travelling and exercising his work and pending his salaries and improvements. The public prosecutor should be obliged to the rules of the Jordanian Criminal Procedures Code while investigating corruption cases; they can not refer the case to the competent court unless there is real evidence that may be relied on by the court to convict the accused. Therefore, referring the case of corruption to the competent court by the public prosecutor needs the presence of the legal evidence, or confession of the accused or existence of the strong suspicion for the commission of the crime of corruption by public employee.

10.4 The Role of Audit & Administrative Control

The Audit Bureau has powers of requisitioning all records of the auditee organizations to discharge its mandate as per the Constitution. It has powers to enforce or initiate enforcement action to secure access to needed records which are not produced as per the audit law and to seal, search and seize documents and other related items considered necessary for audit and inspection. The Audit Bureau does not have powers to instruct government investigating agencies to perform activities considered necessary, or powers to decide on claims of interested persons in connection with official actions, duties and behavior of persons subject to audit and inspection (Audit Bureau-Jordan, 2010).

As regards Article 8 of the Constitution of Jordan, 1952 provides for performance of such audits. The Audit methodology/ procedures is as specified by the provisions of the Audit law and audit standards, however, the Audit Bureau does not discharge judicial functions and its findings are followed up with the concerned audited bodies, the cabinet and the Parliament. It is required to follow specific standards, practices and guidelines in conducting audit and reporting. On the same context, The Jordanian Audit Bureau can consult and collaborate with other countries. In accordance with its role in compacting corruption, the Audit Bureau requires that any fraud or embezzlement be reported mandatorily by the auditees. Reporting Procedure on the recommendations of the Audit Bureau includes, a report is submitted to the concerned audited body if the case has not been settled by the concerned audited bodies, and the issue shall be raised by the Audit Bureau to the Parliament.

However, in order to catalyze the role of the Jordanian Audit Bureau, there is a need to update the legislations regarding the powers and authorities that provided to the Audit Bureau, the president of the bureau should have powers over corruption cases and have the legal authorities in order to engage the powers of the public prosecutor in sending persons accused with any offense of corruption such as fraud, theft or misuse of public funds to the public prosecution office in the Ministry of Justice (El.Kayed, 1996:19). Moreover, the Audit Bureau in Jordan can not play vital role in compacting corruption unless the administrative and accounting systems are developed and updated and using high technologies, strengthen the role of internal control units and forming special units to compact many forms of corruption within the governmental agencies of the state, such as theft, fraud, abuse of public power, smuggling, customs and income tax evasion, utilizing public and governmental cars and vehicles for personal uses etc.(El.Kayed, 1996:20-21).

10.5 The Role of Board of Grievances

The Board was established by the Law of Board of Grievances No (11) of 2008, it is empowered with wide functions and authorities to compact corruption in Jordan. Article 12 of this law provides that The board is having essential functions and authorities over all complains against public administration's decisions, measures and malpractices, at the same time no complains can be accepted by the board against the public administration if it already leveled before any judicial or administrative body, or if it is under the investigation of any court or already decided by the competent court. This Article recommends for the simplification of the administrative procedures in order to entitle citizens with utilizing the services, which are introduced by the public administration through receiving their complaints.

According to Article 14 of the Law of Board of Grievances any party that gravened from any illegal action of the public administration can level a complain before the board in order to prevent any suspicion of corruption or violations caused by the corrupt act of the administration or its employees, the president after the completion of the investigation find that the act which is complaint against forms a crime or an offense should be refereed to the concerned authorities, while the administrative part of the case will remain in his office for issuing the final decision regards it, as provided by Article 16 of the same law.

11. Conclusion and Recommendations

Corruption is a complex social and legal phenomenon with multi-dimensional impacts and effects. It spreads every where in this world, there is no society free of this disease, which attacks person and individuals on their personalities, properties, rights and freedoms. This evil takes place as a result of deficiencies in the existing systems of government's administrations and systems as well as cultural, economic, political and social causes.

As discussed in this study previously, there are no comprehensive definitions to the concept of corruption, moreover, the Jordanian legislator dose not give a clear meaning to the term of corruption neither in the penal and punishment code nor in other related legislations. For this reason this study tries to reveal different definitions to the term of corruption, primarily because jurists and writers look at corruption from their own vantage points influenced by surrounding environment. But what is heartening is that in present years corruption may attribute to many causes, such as individual, organizational or societal reasons.

The study concluded that there are many types of corruption. To understand the dynamics of so many types of corruption attempts have been made to classify different forms of corruption into several categories, therefore corruption may take the forms of cronyism, bribery; baksheesh or embezzlement

that can be practiced by persons in public administration. The cost of corruption has been enormous in terms of a country's socio-political and economic advancement. What has been conclusively demonstrated is that corruption has negative consequences on the very nature of the human rights of citizens that violate their economic, administrative and political rights?

The examination of corruption is a crying need of today's state. On the same context, it is understood that total eradication of corruption is a problematic by itself. But that does not mean in any way that corruption cannot be compacted, it can be compacted by using the national and international legal mechanism for eliminating it. In Jordan there are many institutions have been established for this purpose, even the legislative and judicial branches of the state are playing a vital role in compacting all forms of political, administrative and financial corruption. Experiences of the developing countries have clearly showed that corruption networks are extensive and hide under the administration systems of all forms. What is more alarming is that corruption itself prevents any attempt to make remedies in public administration in order to eliminate or tackle the negative consequences resulted by corruption?

In this regard, the study brings many recommendations to be taken into consideration for compacting and the elimination of corruption in Jordan and other countries that have similar political, administrative, financial, economic and cultural conditions as that exist in Jordan. These Recommendations can be summarized as following:

- There is no comprehensive definition for the term of corruption that mat be considerable and agreeable to individuals and states of the universe, therefore it is recommended to held an international conference on the corruption in order to achieve this purpose.
- The need to adopt decisive measures and procedures to fight corruption, such as the termination of contracts, the cancellation of all licenses and permits that were obtained illegally, and encouraging the press to scrutinize and reveal incidents of corrupt behavior and to make the public aware of anti-corruption measures in a fashion that will not harm public confidence and retain public respect for government agencies.
- Neither the provisions of the constitution of Jordan nor other relevant penal and criminal laws and legislations have defined the concept of corruption, therefore it is recommended by this study to bring new legislative amendments in Jordan to achieve this goal.
- The need to balance or weigh the salaries of top political leaders against their duties and responsibilities, and to ensure that reimbursement for government service well continue to attract and retain excellent candidates, The need to encourage open, objective political discussion and to maximize the role of parliament in exercising oversight and accountability.
- The judicial role is very vital an fighting and compacting corruption, therefore, the present study recommends that the issue of the independence of judiciary should not be merely in written papers, but should be translated in the reality also, moreover, in order to reveal and control all types of corruption in Jordan there a real need to establish the constitutional court.
- There is a real need to evaluate, weigh and prioritize the type of corrupt behavior that is most prevalent, and then to review measures for compacting these particular forms of corruption.
- The Board of Auditing plays a real role in compacting corruption, but still there is a need to make this Board independent from the controlling of the other legislative, executive and judicial branches of the state, moreover, the president of the Board should have wide and extensive powers in order to enable to deal with all types of corruption.
- The Anti – corruption commission and the Board of grievances are playing a vital role in compacting corruption, but still there are not entirely independent from the executive branch of the state, therefore, it is recommended that the head or president of these institutions should be the president of either the court of cassation or court of high justice and they have to be appointed in a decision made by the Judicial counsel associated with the Royal Decree and not by a nomination made by the Prime Minster.

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