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### Combating Corruption

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#### Abstract:

Corruption, as a social phenomenon and criminal offense, is any form of abuse of power by individuals and groups for their own gain in any sector of a society's institutional and social life. The consequences of corruption are very negative, damaging, and serious for every part of society. Corruption's negative consequences are usually manifested in the growth of poverty, the decline of the economy, and social dissatisfaction with reforms and institutions. Combating corruption is one of the main challenges of democratic societies; therefore, the presence of corruption represents one of the most serious forms of criminality in general and economic one in particular in the national and international domains. Corruption not only destroys the economic basis of a country but also affects the basis of its legal system, legislation, judiciary, public-private institutions, cultural, health, and other social policies of society. Combating corruption is the mission of every legal state. However, without the division and balancing of decision-making power and the responsibilities of officials in state-public institutions, it is impossible to achieve success in this direction. This research aims to help national and international institutions in the war against corruption by analyzing and explaining some of the most effective forms of combating this dangerous phenomenon and enriching the literature on this topic, which would be very helpful for the public and academic world. The necessity of combating corruption is urgent because of its damaging effects and implications for states and societies. To combat the phenomenon of corruption, anti-corruption institutions should consider that the forms of how this phenomenon is conducted evolve every day, and they need to advance their forms and methods to combat it.

**Keywords:** corruption, judiciary, criminal offense.

### 打击腐败

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**摘要:**

腐败作为一种社会现象和刑事犯罪，是指个人和团体在社会制度和社会生活的任何部门为谋取私利而滥用权力的任何形式。腐败的后果对社会各方面来说都是非常消极的、破坏性的和严重的。腐败的负面后果通常表现为贫困加剧、经济衰退以及社会对改革和制度的不满。打击腐败是民主社会的主要挑战之一；因此，腐败的存在是最严重的一般犯罪形式之一，尤其是在国内和国际领域的经济犯罪形式。腐败不仅破坏一个国家的经济基础，而且影响其法律制度、立法、司法、公私机构、文化、卫生和其他社会政策的基础。打击腐败是每个法治国家的使命。然而，如果没有国家公共机构决策权和官员责任的划分和平衡，这一方向就不可能取得成功。本研究旨在通过分析和解释打击这一危险现象的一些最有效的形式，并丰富有关这一主题的文献，帮助国家和国际机构开展反腐败斗争，这对公众和学术界非常有帮助。由于腐败对国家和社会的破坏性影响和影响，打击腐败的必要性迫在眉睫。为了打击腐败现象，反腐败机构应该考虑到腐败现象的表现形式每天都在演变，需要改进打击腐败的形式和方法。

**关键词:** 腐败、司法、刑事犯罪。

**1. Introduction**

Corruption is present throughout the history of the state and society. This is considered a harmful social occurrence. Corruption, according to the rule, is especially expressed in periods of crisis in certain societies, but also alongside the strengthening of the state, the development of business activities, the meddling of the state in the economy, and the bureaucratization of society. Corruption has become one of the most serious problems of organized states because, despite important legal efforts and mundane or temporary anti-corruption actions, it has become more widespread and reinforced. Therefore, corruption is characterized as one of the most negative social occurrences. Taking into account the characteristics of the perpetrators of the criminal offenses of receiving and giving bribes, the complexity of legal-criminal situations, and the various forms of committing and concealing these crimes, there are many obstacles and difficulties in their detection. General information about this type of criminal activity is very important for detecting these criminal acts.

**2. Combating Corruption**

Information and knowledge about the presence of corruption are provided in different ways. Sometimes these can be provided based on external manifestations and the way of life of certain persons (enormous spending in cafes, buying cars, building houses and villas, etc.). Public rumors and reports from citizens about the commission of these criminal offenses can also be useful in their discovery. Even collecting data on other criminal offenses such as misuse of official authorizations and falsification of official documents can provide data on receiving or giving bribes (Latifi & Beka, 2013, p. 220).

**2.1. Some Forms of Combating Corruption**

Corruption is a problem in all countries; therefore, all countries must strengthen and improve policies, strategies, institutions, legal frameworks, and sustainable efforts to prevent and fight it (Council of Europe, 2012). Although the phenomenon of corruption

can be interpreted as an internal matter of the state, due to the large proportions that the crime has reached in most states, this issue now has taken on dimensions of international concern since this criminal phenomenon is closely related with organized crime, especially "money laundering".

The most fundamental factors in the fight against corruption:

- Reforming the institutions of the justice system, such as the prosecution, judiciary, and police;
- Drafting comprehensive strategies for fighting corruption;
- Cooperation with authorities and civil society in the field of fighting corruption;
- Further specialization of the police and prosecution staff with new methods for fighting corruption;
- Raising the individual and collective awareness of citizens in the fight against corruption;
- Advancement of cooperation between justice institutions at the national and international levels, with the aim of fighting corruption;
- Raising accountability and responsibility from competent subjects for fighting corruption within the institutions of the justice system.

According to the 2013 Progress Report of the EU Commission, political interference in the work of judicial institutions remains a serious concern (European Council, 2013).

Two institutional mechanisms are essential in combating corruption in new democracies: a strong, aggressive, independent media and a vibrant and developed civil society with non-governmental organizations and public interest groups (Glaeser & Goldin, 2004, p. 19).

Sometimes law enforcement officials are corrupt. In a civil society, there should be some other way to discuss and deal with corruption (Charles, 1994, p. 181).

Public knowledge about corruption is made possible mainly by third parties or by investigators of some of the branches of government separate from the actual corruption.

For the prevention of and successful fight against corruption, it is necessary for the competent state

institutions of justice to possess all the necessary personnel, technical, and technological capacities. A special role in preventing and fighting corruption is also played by:

- Legislation;
- Professional level of the leading cadre in the field of the legal system;
- Technical and technological measures of observation;
- Analysis of the current state of this phenomenon;
- Obligations related to political activity and general goals in this field;
- Specific measures against corruption;
- Formation of specialized anticorruption institutions;
- Full cooperation of the detection, investigation, and trial bodies;
- Legislative regulation of special authorizations of certain bodies and organizations for detecting and fighting corruption;
- Effective implementation of law and measures under the control of institutions;
- Programmed systemic prevention of corruption;
- Good governance, administration, and full legality in the performance of the functions of justice bodies, police, customs, inspections, and municipal government bodies;
- The scientific and professional approach to detecting and fighting corruption, educating the public, and mobilizing the media to prevent and fight corruption.

Therefore, it should be emphasized that fighting and preventing corruption is closely related to the legal system, which is one of the most important and specific links in this field. For this reason, the first step in the fight against corruption must be taken in the judicial and prosecutorial systems because these systems are not immune to certain forms of criminality, especially corruption.

Today, the techniques and tactics of fighting crime change in parallel with changes in techniques and tactics applied by the perpetrators of crimes. Such specialization of the leading cadre for the prevention of and effective fight against corruption is necessary. For this reason, it is necessary for the leadership to constantly be trained to fight corruption in the country, including the international one.

Harmonization of national and international legislation that would make it possible to "remove state borders" to conduct investigations and collect evidence is one of the objectives of contemporary policy against corruption and criminality in general.

Therefore, for the prevention of and effective fight against corruption and criminality in general, the following measures can be taken by the judge in the preliminary procedure or by the state prosecutor:

- Covert photography or camera surveillance of public places;
- Secret monitoring of conversations in public places;

- Secret investigation;
- Eavesdropping and recording of telephone conversations;
- Checking postal deliveries;
- Interception of communications on the computer network;
- Controlled delivery of postal items;
- Simulating the purchase of any item;
- Simulation of any act of corruption;
- Disclosure of financial data (Criminal Procedure Code of the Republic of Kosovo, 2022).

### 3. Conclusion

This research draws attention to the fact that anti-corruption policies must be transparent and guided by civic responsibility. Therefore, it is necessary to recognize, collect, and systematically distribute information on the real dimensions of the extent of corruption, damage it brings to the state and society, its other negative consequences, and causes of its occurrence to effectively prevent and combat this dangerous phenomenon.

Combating corruption is not realized in the form of a "crusade" in the name of general ideals, but by avoiding the causes and consequences that create corruption. Therefore, it is recommended that, in addition to legislative regulation, punitive policy, organizing, and increasing efficiency and up-to-dateness of detecting, combating, and judging corruption, the campaign plans and programs of governmental, political, and parliamentary bodies should be extended and implemented in taking legal measures such as suspension, removal, or dismissal of public officials who are known for tolerating or allowing misuse, in addition to punishing them based on the power of the law; if these individuals are found guilty by the court, the sentence would achieve its objectives, such as making the offender regret their actions and letting other potential offenders know what would happen to them if they committed acts of corruption.

The implementation of political and moral responsibility would become an institutional mechanism for preventing and combating official parties in corruption, misuse of power, and authorizations.

Therefore, it should be emphasized that the responsibility for corruption does not fall only to those who use public institutions for illegal enrichment, but also to the citizens themselves who give bribes, as well as to those who remain silent and justify these phenomena (Gashi, 2023, p. 272).

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